



*JSR*

**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD SUITE 1001  
ARLINGTON VA 22204-2490

JSR  
Docket No. NR99-13  
15 February 2013

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1558

Encl: (1) SECNAV memo dtd 10 Jan 13 w/refs (a) and (b)  
(2) DC M&RA memo 1000 RA dtd 26 Jul 12 w/enclosures  
(3) Subject's ltrs dtd 14 Aug 12 and 29 Jan 13  
(4) Subject's naval record

1. Enclosure (1) directed the Executive Director of this Board to convene a special board pursuant to the provisions of reference (a) to consider the correction of the military service records of those officers who were retired as a result of the Fiscal Year (FY) 2009 United States Marine Corps Reserve (USMCR) Colonel Selective Retention Board (SRB). Subject was among those officers. As a result of the FY 2009 USMCR Colonel SRB, he was involuntarily retired effective 1 October 2009.

2. The Board, acting as a special board, consisting of Ms. Trucco and Messrs. Chapman and Vogt, reviewed Subject's case on 15 February 2013 and determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. In correspondence attached as enclosure (2), the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs has recommended correcting Subject's naval record as follows:

(1) Award him career retirement points for each anniversary year (pro-rated for any partial years) he was removed from the Reserve Active Status List (RASL) through his Mandatory Removal Date (MRD) of 1 September 2011 as follows:

- (a) Appropriate membership points,
- (b) 52 non-paid inactive duty points and
- (c) 27 non-paid active duty points;

(2) Remove from his Official Military Personnel File (OMPF) all documents related to the FY 09 SRB;

(3) Update his retirement date to reflect his MRD of 1 September 2011 and

(4) Update his separation code to read voluntary retirement.

b. In enclosure (3), Subject concurred with enclosure (2). He further requested that the time limitation on his Post 9-11 GI Education Benefits be updated to 15 years from his corrected MRD and that the transfer of these benefits to his children be allowed. If his MRD is corrected he may submit a separate application to the Board, on the basis of that correction, for additional relief regarding GI Education Benefits.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board recommends the following corrective action:

RECOMMENDATION:

a. That Subject's naval record be corrected as follows:

(1) Show career retirement points for each anniversary year (pro-rated for any partial years) he was removed from the RASL through his MRD of 1 September 2011 as follows:

- (a) Appropriate membership points,
- (b) 52 non-paid inactive duty points and
- (c) 27 non-paid active duty points;

(2) Remove from his Official Military Personnel File (OMPF) all documents related to the FY 09 SRB;

(3) Show he was retired on his MRD of 1 September 2011, rather than 1 October 2009 and

(4) Change his separation code to reflect voluntary retirement.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Subject's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Subject's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Subject's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.

*W. Dean Pfeiffer*  
W. DEAN PFEIFFER

Reviewed and approved: