



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2119-99

26 August 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) HQMC Memo 1610 RAM of 29 Jul 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a retired enlisted member of the United States Marine Corps Reserve filed enclosure (1) with this Board requesting, in effect, that his transfer to the Retired Reserve be canceled.

2. The Board, consisting of Mr. Leeman, Mr. Milner and Mr. Pfeiffer, reviewed Petitioner's allegations of error and injustice on 24 August 1999 and, pursuant to its regulations, 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, naval records, 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner reenlisted in the Marine Corps Reserve on 7 December 1997 for six years in the grade of MSGT (E-8). On 1 December 1998 he transferred to the Retired Reserve under the provisions of the Special Retirement Qualification Authority, which allowed retirement with less than 20 qualifying years of service. Petitioner has been credited with 18 years, 1 month and 8 days of qualifying service.

d. In his application Petitioner states that he only submitted a retirement request in case he did not find an opportunity to drill with another unit, and the command erroneously submitted his request after he had found another unit. He desires to return to a drilling status.

e. At enclosure (2) is an advisory opinion from Headquarters Marine Corps which recommends that Petitioner be reinstated in the Marine Corps Reserve.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner has an excellent record, desires to serve in the Marine Corps Reserve, and there might be an available billet for him. Given the circumstances, the Board agrees with the recommendation contained in the advisory opinion at enclosure (2), and concludes that the record should be corrected to show that he never transferred to the Retired Reserve.

The Board further concluded that these Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand his status in the Marine Corps Reserve.

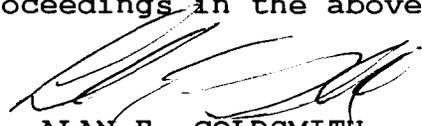
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not transferred to the Retired Reserve on 1 December 1998 but continued to serve in the Marine Corps Reserve.

b. That this Report of Proceedings be filed in Petitioner'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



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director