



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 7390-00
15 June 2001

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 June 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that at the end of the anniversary year on 10 October 1966 you had been credited with six consecutive qualifying years for reserve retirement. In the next anniversary year, ending 10 October 1967, you were credited with only 36 of the 50 retirement points necessary to make that year a qualifying one for retirement. During that anniversary year, on 10 January 1967 you transferred to the Individual Ready Reserve (IRR). On 6 January 1968 you affiliated with a reserve unit. However, at the end of your anniversary year, on 10 October 1968, you were only credited with 37 retirement points. In the next anniversary year ending 10 October 1969 you were credited with 74 retirement points and a qualifying year for reserve retirement.

The record shows that on 28 January 1970 you were transferred to the IRR due to unsatisfactory drill attendance. Therefore, at the end of the 10 October 1970 anniversary year you were only credited with 19 retirement points. In succeeding anniversary years, you have been credited only with 15 membership points in each year. On 1 October 1973 you were honorably discharged at the expiration of your enlistment.

On 7 November 1981 you reenlisted in the Marine Corps Reserve. You then earned three consecutive qualifying years through reserve participation. On 15 November 1985 you reported for an extended period of active duty and remained on active duty until your discharge. On 31 May 1991 you were honorably discharged by reason of physical disability with severance pay. At that time, you were credited with 17 years, 7 months and 28 days of qualifying service for reserve retirement.

In 1994 this Board found that you met the requirements for honorary retirement and directed that the record be corrected to show that you transferred to the Retired Reserve on 1 June 1991. This honorary status does not entitle you to retired pay at age 60.

In your current application you contend that you actually earned sufficient points during your nonqualifying years to make those years qualifying for reserve retirement, but points were not credited because of poor record keeping. You have submitted a letter from a retired master gunnery sergeant who states that he was stationed at Naval Air Station, Dallas, Texas, with your reserve unit from October 1968 until October 1971, and during this time you performed numerous makeup drills. He also states that the record keeping was poor and cited an instance in which a records clerk was found to be hiding documents.

The Board noted that the retirement credit report appears to be correct and in the years in which you earned points but did not earn qualifying years, there was a transfer to the IRR to explain why you did not earn sufficient points. Along these lines, the Board also noted that on 28 January 1970 you were transferred to the IRR because of unsatisfactory drill attendance and could not be credited with drill points after that date. Additionally, the master gunnery sergeant did not arrive at your drilling site until October 1968, and you received a qualifying year in 1969. Accordingly, there is no evidence to show that your retirement point record is incorrect. The Board concluded that there is no basis to correct your record to show eligibility for retired pay at age 60.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval

record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director