



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

TRG

Docket No: 7886-02
12 December 2002

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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member in the Marine Corps Reserve, filed an application with this Board requesting that his record be corrected to show that he has sufficient qualifying years for reserve retirement so that he will be eligible for a Department of Veterans Affairs (DVA) home loan.

2. The Board, consisting of Mr. Carlsen, Mr. Tew and Mr. Taylor, reviewed Petitioner's allegations of error and injustice on 4 December 2002 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. Petitioner's application was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps Reserve on 19 January 1996. He then earned five consecutive qualifying years for reserve retirement. In the sixth anniversary year, ending on 18 January 2002, he was credited with 41 of the 50 required points for a qualifying year. He remains a member of the Marine Corps Reserve but has not earned sufficient points for his seventh year to be qualifying and has been transferred to the Individual Ready Reserve (IRR).

d. Petitioner states in his application that he was temporarily not physically qualified during the anniversary year ending 18 January 2002 and could not earn a qualifying year. He

could not earn another qualifying year after that because he was told to transfer to the IRR in May 2002. He requests that sufficient points be transferred into the anniversary year ending 18 January 2002 to make that year qualifying so that he will be eligible for a DVA home loan.

e. A review of the medical record shows that he was physically qualified except for a weight problem. On 10 February 2002 he was 5'8" tall and weighed 247 pounds. It is assumed that he was TNPQ because of the weight problem.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board relies on Petitioner's five consecutive qualifying years, the fact that he only needs nine retirement points to make the sixth year qualifying and the fact that his failure to earn a qualifying year apparently occurred only because of a weight problem. Under these circumstances, the Board concludes that nine retirement points should be transferred from the anniversary year ending 18 January 2001 into the anniversary year ending 18 January 2002. With this change Petitioner will have six consecutive qualifying years.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will

RECOMMENDATION:

a. That Petitioner's naval record be corrected by transferring nine retirement points from the anniversary year ending 18 January 2001 into the anniversary year ending 18 January 2002.

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