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

TRG
Docket No: 6548-99
21 September 2000

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) HQMC Memo 1000 MMSR-5J of 12 Sep 00
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps Reserve filed an application with this Board requesting, in effect, reinstatement in the Marine Corps Reserve.

2. The Board, consisting of Mr. Pfeiffer, Mr. McCulloch and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 19 September 2000 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's request for reenlistment was apparently lost and not acted upon in a timely manner. The record shows that he was honorably discharged on 26 June 1999 at the expiration of his enlistment. He has submitted documentation shows that he continued to drill through September 1999.

b. Enclosure (1) states, in part, as follows:

> ... It was generally agreed by all parties that (Petitioner's) case had not received the attention it deserved. Additionally, this lack of attention resulted not only in his contract lapsing but also in (his) continuing to perform Inactive Duty Training (IDT) after that lapse due to conflicting advice from his senior leadership.

... We recommended the following:

a. Recommend BCNR correct (Petitioner's) Service Record (SR) to reflect an extension of twenty (20) months, commencing on 27 June 1999. This extension will clear up any period of broken service and allow sufficient time to properly review and process (his) request for reenlistment.

b. Recommend MCRSC be directed to account for all periods of Annual Training (AT) and IDTs (performed after 26 June 1999) and take the necessary steps to compensate (him) accordingly.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, it is clear that Petitioner would have been reenlisted and continued in a drilling status if his reenlistment request had been properly considered. Therefore, the Board's agrees with the recommendation contained in the advisory opinion. Accordingly, Petitioner's record should be corrected to show that a 20 months extension of his enlistment became effective on 27 June 1999.

With this action Petitioner can be credited with any reserve participation he performed after that date and action by the Board on this issue is not required. However, the Board believes that Petitioner would have continued in a drilling status if an enlistment or extension had occurred. Therefore, the Board concludes that the record should be further corrected by crediting him with four drills each month (either pay or nonpay to reflect the status he was in at the time of his discharge) beginning in October 1999 and continuing through October 2000.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the actions taken in this case.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 26 June 1999 but a 20 month extenstion became effective on 27 June 1999.

b. That Petitioner's naval record be further corrected by crediting him with four drills each month during the period 1

October 1999 through 31 October 2000. These drills should be either pay or nonpay to reflect the status he was in at the time of his discharge on 26 June 2000.

c. 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