



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2040-99

21 July 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] CR,
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) HQMC Memos MMSR-6J of 27 May and RAP-21 of 15 Jun 99
(3) 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 enclosure (1) with this Board requesting that his record be corrected to show that he transferred to the Retired Reserve on 1 January 1999 with eligibility for Reserve Special Separation Pay (RSSP) vice being discharged on 6 January 1999.

2. The Board, consisting of Mr. Mathews, Mr. Dunn and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 13 July 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 February 1993. On 1 January 1997 he was promoted to MSGT (E-8). In connection with his promotion, he extended his enlistment for 23 months to meet the two-year obligated service requirement for promotion and subsequently earned two qualifying years. He was honorably discharged on 6 January 1999 at the expiration of his enlistment as extended. At the time of his time, he was credited with 25 years, 11 months and 4 days of qualifying service for reserve retirement.

d. The advisory opinion at enclosure (2) from Headquarters Marine Corps (MMSR-6J) recommends that Petitioner's record be

corrected to show that he transferred to the Retired Reserve on 1 January 1999 vice being discharged on 6 January 1999. MMSR-6J defers to the Reserve Affairs Division (RAD) for comments on the RSSP issue.

e. Also at enclosure (2) is the advisory opinion on the RSSP issue. The opinion states that if Petitioner had been retired on 1 January 1999 he would have met all the requirements for RSSP.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Petitioner was in good standing in the Marine Corps Reserve and would have been retired if his retirement had been processed before the expiration of his enlistment. Therefore, the Board agrees with the recommendation from MMSR-6J and concludes that Petitioner should be transferred to the Retired Reserve on 1 January 1999 in the grade of MSGT.

Since Petitioner met the requirements for the RSSP program, the Board agrees with the recommendation from RAD and concludes that the record should be corrected to show entitlement to RSSP.

Finally, the Board concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand that he transferred to the Retired Reserve with entitlement to RSSP.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he transferred to the Retired Reserve on 1 January 1999 in the grade of MSGT with entitlement to Reserve Special Separation Pay, vice being discharged on 6 January 1999.

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

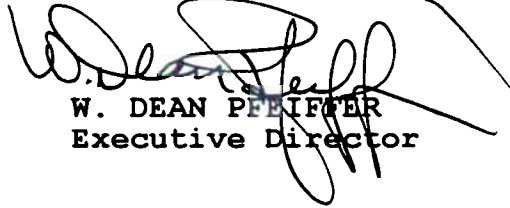
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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