



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

TRG
Docket No: 1413-01
15 March 2001

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) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the United States Marine Corps Reserve filed enclosure (1) with this Board requesting that his record be corrected by moving two retirement points from one anniversary year to another.

2. The Board, consisting of Mr. Mackay, Mr. Beckett and Mr. Geisler reviewed Petitioner's allegations of error and injustice on 13 March 2001 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 was released from active duty on 1 September 1993 and continued to serve in the Marine Corps Reserve. At that time, he had completed more than six years of active service and almost five years of inactive service. During the anniversary years beginning on 26 February 1994 and ending on 25 February 1997, he earned three consecutive qualifying years for reserve retirement, and was promoted to MAJ (O-4) on 1 June 1996.

d. During the next anniversary year, Petitioner has been credited with 20 drills, 15 membership points and 13 days of annual training, for a total of 48 points. This is two points short of having a qualifying year for retirement. The fitness

report for the period 22 November 1997 to 30 September 1998 shows excellent performance of duty. In the next anniversary year Petitioner has been credited with 50 pay drills and a total of 83 retirement points. The annual retirement credit record in the file shows that Petitioner was credited with one drill on 27 February 1998 and two drills on 1 March 1998. He has subsequently earned two additional qualifying years. His Career Retirement Credit Report (CRCR) shows that as of the end of the anniversary year on 25 February 2001, he has been credited with 16 years of qualifying service for reserve retirement.

e. Petitioner states in his application that it was his understanding that he had completed a satisfactory anniversary year for 1998. He states that he incurred points in the next anniversary year which were meant for the anniversary year ending on 25 February 1998.

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 was only two points short of a qualifying year in the anniversary year ending 25 February 1998, and was credited with three drills within four days of the end of that anniversary year, which supports his contention that he performed drills meant for the preceding anniversary year. The Board also notes that he has been credited with three consecutive qualifying years both before and after the year at issue. Given the circumstances, the Board concludes that two retirement points should be moved from the anniversary year ending 25 February 1999 to the anniversary year ending 25 February 1998. With this correction, Petitioner will have 17 years of qualifying service for reserve retirement as of 25 February 2001.

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 crediting of the retirement points.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by transferring two retirement points from the anniversary year ending 25 February 1999 to the anniversary year ending 25 February 1998.

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.



For W. DEAN PFEIFFER
Executive Director