



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

TRG
Docket No: 2474-01
26 December 2001

[REDACTED]

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 11 December 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. In addition, the Board considered the statement of service furnished by Headquarters Marine Corps, a copy of which is enclosed.

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.

As indicated in the enclosures, you have been credited with 16 years and 12 days of qualifying service for reserve retirement based on your service in the Marine Corps. In order to be eligible for reserve retirement at age 60, you need 20 years of qualifying service. A qualifying year is one in which you earned at least 50 retirement points. The statement of service shows that in the anniversary year ending 30 June 1956, you have only been credited with 38 points. Accordingly, it is not qualifying for reserve retirement.

You have submitted documentation showing that you enlisted in the Air Force Reserve on 10 December 1962 for three years and served until you were honorably discharged on 9 December 1965. With your application, you have submitted a copy of a letter from Headquarters Air Reserve Personnel Center, dated 24 August 1976, stating that you had completed 18 years, 7 months & 5 days of qualifying service. You were advised that you had to have 20 qualifying years in order to be eligible for retired pay. However, you apparently took no action to establish your eligibility for reserve retired pay at that time.

The Board is aware that your request for reserve retirement was

denied by the Board for Correction of Air Forces Records (AFBCMR) on 26 June 2001. The denial was essentially based on the fact that you has only completed 18 years, 7 months and 5 days of qualifying service, and had not responded to the 24 August 1976 letter.

As indicated the anniversary ending 30 June 1956 is the only year in which the Board could correct your record to show a qualifying year. However, even if the Board were to correct the record to show that this year was qualifying for reserve retirement, you would still only have 19 years, 7 months and 5 days of qualifying service, and would still not be eligible for reserve retirement. Since you did not take action to qualify for reserve retirement, as you were advised to do in the 26 August 1976 letter, the Board concluded that a correction to your record was not warranted.

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

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1741
MMSR-6
29 Oct 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED], FORMER MARINE RESERVIST

Ref: (a) MMR Route Sheet of 9Oct01, Docket No. 2474-01

Encl: (1) MMSR-5 Comment 1800 of 26Oct01 w/encl

1. The reference requests an advisory opinion on [REDACTED] petition to correct his record to show that he is eligible for retirement from the Marine Corps Reserve.

2. As shown on the enclosure, [REDACTED] does not have enough qualifying service in the Marine Corps Reserve. We defer further advisory opinion to the U.S. Air Force with regard to [REDACTED] service in that branch of the military.

[REDACTED]

JR.
Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps

1800
MMSR-5
26 Oct 01

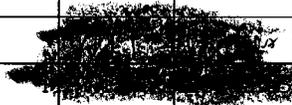
MMSR-5 Comment on MMER Route Sheet of 9 Oct 2001

Subj: REQUEST FOR BCNR ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED], A FORMER MEMBER OF THE USMCR

Ref: (a) MMER Route Sheet of 9 Oct 2001

1. We have carefully reviewed [REDACTED] record. We have verified 16 years, 12 days qualifying service with the Marine Corps Reserve as shown in the enclosure.
2. [REDACTED] was Honorably Discharged on 9 December 1962, and enlisted in the Air Force on 10 December 1962. We are unable to verify his service with them. It is possible [REDACTED] could rate retirement benefits from the Air Force.

[REDACTED]
By direction

PAY ENTRY BASE DATE		COMMISSION CONTROL DATE		PRIOR TO 1 JULY 1949: SFS							RETIREMENT POINTS		1311
		30 JUNE											
DATES		OCCASION CODES	ACTIVE DUTY POINTS	INACTIVE DUTY				SUMMARY			TOTAL YEARS QUALIFYING SERVICE FOR RETIREMENT (50PTS. MIN. FOR YEAR OF		
FROM	TO			DRILLS	CORRESPONDENCE COURSES	EIOD'S	MEMBERSHIP	TOTAL ACTIVE DUTY POINTS	TOTAL INACTIVE DUTY POINTS (60 MAX)	TOTAL POINTS			
490701	500630	1	15	36	0	0	15	15	51	66	04-07-03		
500701	510630	1	15	47	0	0	15	15	60	75	05-07-03		
510701	520630	1	342	4	0	0	15	342	19	361	06-07-03		
520701	530630	1	365	0	0	0	15	365	0	365	07-07-03		
530701	540630	1	242	12	0	0	15	242	27	269	08-07-03		
540701	550630	1	15	32	0	0	15	15	46	61	09-07-03		
550701	560630	1	0	23	0	0	15	0	38	38	09-07-03		
560701	570630	1	15	46	0	0	15	15	60	75	10-07-03		
570701	580630	1	15	37	0	3	15	15	55	70	11-07-03		
580701	590630	1	14	44	0	0	15	14	59	73	12-07-03		
590701	600630	1	15	37	0	0	15	15	52	67	13-07-03		
600701	610630	1	0	36	0	0	15	0	51	51	14-07-03		
610701	620630	1	15	42	0	0	15	15	57	72	15-07-03		
620701	621209	2	15	24	0	0	7	15	31	46	16-00-12		
TOTAL POINTS: 3,000													
HONORABLY DISCHARGED FROM THE USMCR ON: 9 December 1962													
"CERTIFIED AS TRUE AND CORRECT"													
 MAJ, USMCR													
PREPARED ON: 26 October 2001													

OCCASION CODES: 1 - End of anniversary year

2 - Separated from active reserve status.

* = Reserve Retirement Credit Report is not on file. Current unit must submit a copy to MMSR-5.