



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

TRG
Docket No: 6391-01
28 November 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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps Reserve filed an application with this Board requesting that his record be corrected to show that the anniversary year ending 22 December 1969 is qualifying for reserve retirement.

2. The Board, consisting of Mr. Chapman, Mr. McPartlin and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 20 November 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. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps Reserve for six years on 23 December 1963. He then completed five consecutive qualifying years for reserve retirement. The record shows that in the next anniversary year, which ended on 22 December 1969, he was credited with 15 points for annual training and 15 membership points, for a total of 30 retirement points. The record also shows that during that last anniversary year, he was promoted to CPL (E-4) and was assigned conduct and proficiency marks of 4.2 and 4.4 on two occasions. He was honorably discharged on 22 December 1969.

d. Attached to enclosure (1) is an advisory opinion from Headquarters Marine Corps (HQMC) which recommends that the Board correct the record by crediting the minimum number of retirement points necessary to make the anniversary year ending 22 December 1969 qualifying for reserve retirement. Although not stated in the advisory opinion, HQMC appears to believe that Petitioner must have been attending drills because he was promoted to CPL and was not processed for an administrative discharge.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since Petitioner was promoted, received good conduct and proficiency marks and an honorable discharge, it appears that Petitioner probably attended drills during his last year in the Marine Corps that have not been credited. Therefore, the Board agrees with the recommendation contained in the advisory opinion. Accordingly, Petitioner should be credited with 20 nonpay retirement points in the anniversary year ending 22 December 1969, to raise the total to the 50 points required for a qualifying years for reserve retirement.

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 reason for the change in his retirement point record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by crediting him with 20 nonpay retirement points in the anniversary year ending 22 December 1969.

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.

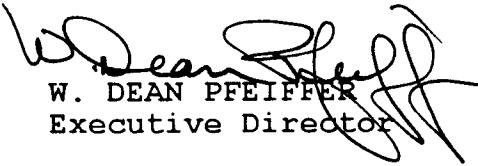
ROBERT D. ZSALMAN
Recorder



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