



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

TRG
Docket No: 7791-00
19 April 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) HQMC Memo 1040 CMT of 27 Mar 01
(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 (USMCR) filed enclosure (1) with this Board requesting that his record be corrected to show that he was not discharged on 6 November 2000 but continued to serve in the USMCR.

2. The Board, consisting of Mr. Leeman, Mr. Frankfurt and Ms. Wiley, reviewed Petitioner's allegations of error and injustice on 17 April 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 reenlisted in the Marine Corps Reserve on 7 August 1996 for two years. Subsequently, he extended that enlistment on six or seven occasions, apparently totaling 27 months. He was granted at least some of these extensions because he was having difficulty obtaining a fitness report which was required before his reenlistment could be authorized. He obtained the fitness report on 5 November 2000. Petitioner states he was honorably discharged at the expiration of enlistment, as extended, on 6 November 2000.

d. At enclosure (2) is an advisory opinion from

Headquarters Marine Corps (HQMC) which explains the situation and recommends as follows:

This office recommends that his missing fitness report from the period 19 May 1997 to 6 March 1998 be included in his official military personnel file, and that he be reinstated in the Marine Corps Reserve with no break in service.

e. The Board is aware that regulations state that the total of all extensions cannot exceed 48 months.

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 attempting to reenlist, but only obtained the missing fitness report one day prior to his expiration of enlistment. Given the circumstances, the Board agrees with the recommendations contained in the advisory opinion.

Therefore, the record should be corrected to show that he was not discharged on 6 November 2000 and a 21 month extension became effective on 7 November 2000. This correction will make the expiration of his enlistment 6 August 2002.

Since Petitioner was in a pay status at the time of his discharge and his case has been pending for over five months, the Board further concludes that the record should be corrected by crediting him with four pay drills per month for six months. If he attended drills in November 2000, then the six months should begin in December 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 circumstances which led to his further service and crediting of drills.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 6 November 2000 but a 21 month extension became effective on 7 November 2000.

b. That Petitioner's naval record be corrected to show that he was credited with four paid drills per month for the six months following his discharge. The six months should begin in either November or December, as appropriate.

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

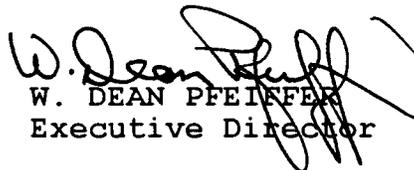
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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