



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

TRG
Docket No: 5429-02
12 December 2002

[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 4 December 2002. 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.

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.

You enlisted in the Marine Corps on 14 March 1967 and served until you were released from active duty on 11 December 1970. You then served in the inactive Marine Corps Reserve for the remainder of your military obligation.

You reenlisted in the Marine Corps Reserve on 16 August 1975 after a break in service of about 31 months. Subsequently, you earned three qualifying years for reserve retirement. You reenlisted in the Regular Marine Corps on 10 December 1980 and served on active duty until 15 November 1993. On that date you were honorably discharged with 16 years, 7 months and 8 days of active duty, under the provisions of the voluntary discharge for early release program. You were paid separation pay in the amount of \$55,893.10.

The program under which you were discharged required a three year enlistment in the Marine Corps Reserve. Since your anniversary year did not expire until 15 August 1994, you were credited with another qualifying year for reserve retirement based on your active duty after 16 August 1993. You earned no further qualifying years and were honorably discharged at the end of your

three year Marine Corps Reserve enlistment.

Apparently in 2002, you realized that with 21 years of total service in the Marine Corps and Marine Corps Reserve, you might be eligible for reserve retirement. However, on 15 March 2002 Headquarters Marine Corps informed you that you were not eligible for reserve retirement because your last eight years of qualifying service were not in the reserve component. The requirement for service in the reserve component has since been reduced to six years. As indicated, you only had one of your last six years in the reserve component. HQMC advised you to apply to this Board if you desired reserve retirement.

The Board noted that you voluntarily requested discharge from the Marine Corps and were paid over \$55,000 in lieu of retirement at that time. Additionally, you did not participate in the Marine Corps Reserve after your discharge on 15 November 1993. Since you did not meet the requirements for reserve retirement and have been adequately compensated for your service, the Board concluded that a change in your record to establish eligibility for reserve retirement is 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