



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

TRG
Docket No: 6073-02
14 November 2002

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 commissioned officer in the Marine Corps Reserve, filed an application with this Board requesting that her record be corrected by transferring retirement points from the excess in a qualifying year into a nonqualifying year so that she may qualify for reserve retirement in the future.

2. The Board, consisting of Mr. Brezna, Mr. Kastner and Mr. McPartlin, reviewed Petitioner's allegations of error and injustice on 5 November 2002 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. Petitioner's application was filed in a timely manner.

c. After a brief period of enlisted service, Petitioner was commissioned in the Marine Corps Reserve on 9 December 1988. Since then she has served in an excellent manner and been promoted to major (MAJ; O-4). A review of the Career Retirement Credit Report (CRCR) shows that during the 14 year period from 30 June 1988 to 29 June 2002, she has been credited with nine years of qualifying service for reserve retirement. In the anniversary year ending 29 June 1993, she has been credited with 42 of the 50 retirement points needed for a qualifying year. She has been credited with sufficient active duty points in the anniversary year that will end on 29 June 2003 to make that year qualifying

for reserve retirement.

d. Petitioner states that the 42 point year occurred because she was not able to affiliate with a reserve unit in a timely manner after her release from active duty. Several other nonqualifying years occurred because of the birth of her children. She is aware that unless she is promoted she will be forced out of the Marine Corps Reserve with two failures of selection at 20 years of commissioned service. She believes that there is a possibility that she would be selected for continuation to 24 years of commissioned service if she can qualify for retirement during the continuation period. This means that when she completes 20 years of commissioned service, she must have 16 qualifying years. Since she already had five nonqualifying years, she will only have 15 years at that time. Therefore, she is requesting that eight retirement points be transferred from the excess over 50 in any anniversary year into the 42 point anniversary year ending 29 June 1993. With this change, she will have the required 16 years and will be eligible for continuation to 24 years of commissioned service.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes Petitioner excellent record and the circumstances that led to the nonqualifying year at issue. Since she is only asking for the opportunity to qualify for retirement, the Board concludes that no useful purpose is served by forcing her out of the Marine Corps Reserve without the opportunity to qualify for retirement. Therefore, eight retirement points should be transferred from the anniversary year ending 29 June 1994 into the anniversary year ending 29 June 1993.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand his status in the Retired Reserve.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by transferring eight retirement points from the anniversary year ending 29 June 1994 into the anniversary year ending 29 June 1993.

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

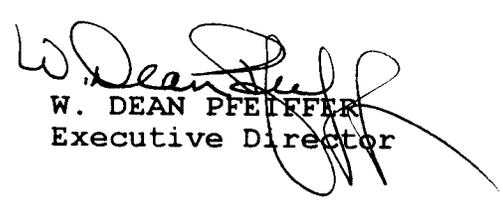
complete record of the Board's proceedings in the above entitled matter.

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