



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

TRG
Docket No: 6580-02
3 October 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, an enlisted member in the Marine Corps Reserve, filed an application with this Board requesting, in effect, that her record be corrected by moving 15 retirement points from the anniversary year ending 26 February 1995 into the anniversary year ending 26 February 1996.

2. The Board, consisting of Mr. Brezna, Mr. Kastner and Mr. Pauling, reviewed Petitioner's allegations of error and injustice on 1 October 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. 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 was released from an extended period of active duty on 30 September 1994. During the remainder of the anniversary year which ended on 25 February 1995, she performed 54 paid drills, 30 nonpay drills and 38 days of active duty for special work (ADSW). During the next anniversary year, she was credited with 20 drills and 15 membership points for a total of 35 retirement points. This total is 15 points short of the fifty retirement points needed for a qualifying year. Since then, she has earned six consecutive anniversary years and has sufficient points to make the anniversary year ending in 2003 qualifying for

retirement.

d. Petitioner states in her application that she stopped drilling because she was attending the California Highway Patrol (CHP) Academy, and she has submitted evidence showing that she completed the training and was appointed to the CHP. She contends that she performed extra drills and ADSW in the anniversary year ending 25 February 1995 because she believed that the points would be credited equally across the months she was gone. She is now requesting that 15 retirement points be moved from the anniversary year ending 25 February 1995 into the anniversary year ending 25 February 1996.

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 performed 84 drills and 38 days of ADSW in the anniversary year ending 25 February 1995. This certainly supports her contention that she believed some of those points would be credited in the next anniversary year. Given her good record both before and after the year at issue and the excessive number of points in the prior year, the Board concludes that 15 nonpay retirement points should be transferred from the anniversary year ending 25 February 1995 into the anniversary year ending 25 February 1996.

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 transfer of the retirement points.


RECOMMENDATION:

a. That Petitioner's naval record be corrected by transferring 15 nonpay retirement points from the anniversary year ending 25 February 1995 into the anniversary year ending 25 February 1996.

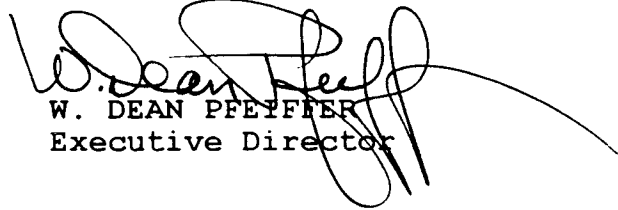
b. That this Report of Proceedings be filed in Petitioner's naval record.

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