



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

TRG

Docket No: 1191-08  
3 November 2008

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) HQMC CMT undated memo  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a member of the Marine Corps Reserve, filed an application with this Board requesting that his retirement point record be corrected to show a complete anniversary year vice the partial anniversary year now of record.

2. The Board, consisting of Mr. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 October 2008 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 submitted in a timely manner.

c. Petitioner served in the Marine Corps and Marine Corps Reserve continuously from 14 September 1989. On 3 July 2002 he reenlisted in the Marine Corps Reserve for three years in the grade of staff sergeant (SSgt; E-6). At that time he had completed about 10 years of qualifying service. Subsequently, during the period from 6 August 2004 to 10 May 2005 he served overseas in support of Operation Iraqi Freedom and was released from active duty on 10 May 2005, a period of 9 months and 5 days. The DD Form 214 shows that he received multiple Air Medals and earned the Combat Aircrewman Badge. His three year reenlistment expired on 2 July 2005. He then had to request broken service

reenlistment and was not able to reenlist until 3 January 2006.

d. Petitioner's discharge on 2 July 2005 was prior to the completion of his anniversary year on 13 September 2005. This means that he could only be credited with a partial anniversary year of 9 months and 19 days in a year in which he earned 251 active duty points, during most of which while he was serving in Iraq.

e. Petitioner states, in effect, that when he returned from Iraq he applied for reenlistment but his recruiter was unable to complete reenlistment processing prior to the expiration of his enlistment.

f. Enclosure (2) is an advisory opinion from Headquarters Marine Corps which recommends that based upon the available evidence that Petitioner's request should be denied.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and despite enclosure (2) the Board concludes that Petitioner's request warrants favorable action. It is clear that Petitioner was released from active duty following his tour in Iraq on 10 May 2005 which left only about 55 days until his enlistment expired. Given the circumstances, the Board believes that there may not have been sufficient time to process a reenlistment request. Accordingly, the Board concludes that the record should be corrected to allow him to be credited with a complete anniversary year. This action can be accomplished by correcting the record to show that a three month extension became effective on 3 July 2005. The record will then show that he was honorably discharged on 2 October 2005. Therefore, he will have status in the Marine Corps past the end of his anniversary year on 13 September 2005.

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 reasons for the change in the discharge date and the number of completed qualifying years.

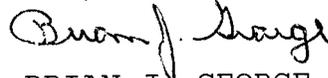
#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that a three month extension became effective on 3 July 2005 and that he was honorably discharged on 2 October 2005. The discharge of 2 July 2005 now of record should be cancelled.

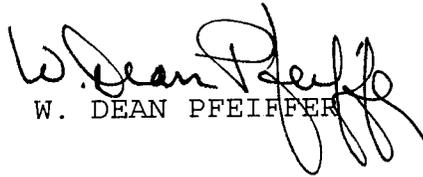
b. That this Report of Proceedings be filed in Petitioner's naval record.

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.

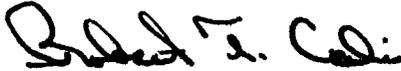
ROBERT D. ZSALMAN  
Recorder

  
BRIAN J. GEORGE  
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.

  
W. DEAN PFEIFFER

Reviewed and approved:



11-14-08

**Robert T. Cali**  
Assistant General Counsel  
(Manpower and Reserve Affairs)