



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

Docket No: 2877-08
6 April 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) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps Reserve, filed an application with this Board requesting that her record be corrected to show, in effect, that she has status in the Marine Corps Reserve so that she can request reenlistment or retirement.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 March 2009 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. Petitioner was promoted to master gunnery sergeant (MGySgt, paygrade E-9) on 1 July 2003. She was required to earn two qualifying years in grade to be able to retire in that grade. She reenlisted in the Marine Corps Reserve on 2 December 2003 for three years. At the end of her anniversary year on 29 April 2005 she completed 22 consecutive years of qualifying service for reserve retirement purposes. She apparently transferred to the Individual Reserve at that time and has no further qualifying years. Therefore, she only has about 22 months of qualifying service as a MGySgt.

d. Headquarters Marine Corps (HQMC) has informed the Board that about the time of the expiration of her enlistment on

1 December 2006 she inquired about reenlistment. At that time, she was sent a three month extension to allow submission of a reenlistment request, which she signed. The record shows that she was honorably discharged on 2 March 2008 at the expiration of her enlistment as extended. However, according to HQMC she did not submit the reenlistment request until 12 March 2008 which was after the expiration of her enlistment as extended.

e. Attached to enclosure (1) is an advisory opinion from HQMC which states, in part, as follows:

...Marines who have broken service must have less than 20 years of qualifying service to be eligible for reenlistment in the Marine Corps Reserve. Therefore, Headquarters recommends [her] request to reenlist in the IRR be denied. However, we do recommend that [she] request retirement, as a former member...

f. The Board has routinely corrected records to show transfer to the Retired Reserve of those individuals who were discharged at the expiration of their enlistments after they qualified for reserve retirement.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. It is clear that she served in an outstanding manner for many years since she was promoted to MGySgt. Although she has not provided an explanation for the delay in submitting her reenlistment request, the Board believes that she should be given an opportunity to request reenlistment or retirement through the normal process since she may be unaware that she needs additional qualifying service to retire as a MGySgt.

Therefore, the Board concludes that Petitioner's record should be corrected to show that she extended her enlistment which expired on 1 March 2007 for an additional period of 30 months. This means that she will have sufficient time prior to the expiration of her extension on 1 September 2009 to earn additional retirement points to retire as a MGySgt and request reenlistment and/or retirement.

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 her status in the Marine Corps Reserve.

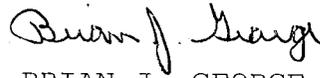
RECOMMENDATION:

a. That Petitioner's record be corrected to show that a 30 month extension of her reserve enlistment became effective on 2 March 2007.

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. 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