



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

TRG
Docket No: 12111-08
18 June 2009

[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 16 June 2009. 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 Navy Reserve on 1 November 1939 and were honorably discharged on 15 September 1940 to begin service as an aviation cadet. On 6 June 1943 you were commissioned in the Marine Corps Reserve. Subsequently, you were awarded several Air Medals while serving in the Pacific Area of Operations. You were released from active duty in 1945.

On 1 July 1949 the current reserve retirement law became effective. All service prior to that date was declared to be qualifying for reserve retirement purposes. In order to earn a qualifying year and reserve retirement after that date an individual had to earn 50 retirement points a year and accumulate 20 qualifying years in order to be eligible for reserve retired pay at age 60.

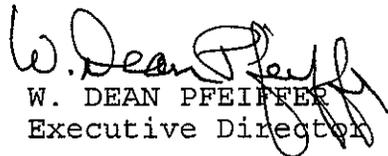
It appears that as of 1 July 1949 you would have been credited with more than 10 years of qualifying service. After 1 July 1949 you had some participation in the Marine Corps Reserve. However, you resigned your commission and were honorably discharged on 18 January 1954. At that time, you had less than 15 years of total service and only about 10 or 11 years of those years were qualifying.

Since you are not close to having 20 qualifying years it is clear that you are not eligible for reserve retirement. Further, there was no provision in the law for 15 year retirement until the 1990's and that authority has since been cancelled. Further, early retirement was only offered to certain individuals in an active status as a force reduction tool and would not have applied to your situation even if you had 15 years of qualifying service.

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