



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

BJG  
Docket No: 4894-09  
13 August 2009

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 28 Apr 09  
(2) HQMC MMMSR-5 memo dtd 23 Jun 09 w/encls  
(3) Subj's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting that his naval record be corrected to show he transferred to the Retired Reserve and the Retired List vice being discharged on 15 April 1993.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed allegations of error and injustice on 11 August 2009, and pursuant to its regulations, determined that relief should be granted. 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 which were available under existing law and regulations within the Department of the Navy.

b. Petitioner was honorably discharged from the Marine Corps Reserve on 15 April 1993 with 19 years, 1 month, and 17 days of qualifying service for reserve retirement. During his anniversary year ending on 31 January 1984, he earned 49 points. He became 60 years of age on 16 July 2009.

c. In enclosure (2), the Headquarters Marine Corps Separation and Retirement Branch has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. The Uniform Retirement Date Act, article 5, United States Code, section 8301, requires that the effective date of any retirement be the first day of the month.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the content of enclosure (2), the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

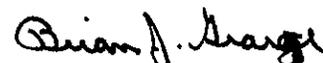
a. That Petitioner's naval record be corrected by transferring one retirement point from the anniversary year ending on 31 January 1983 to make the partial anniversary year ending on 31 January 1984 a qualifying year.

b. That Petitioner's record be further corrected to show that he transferred to the Retired Reserve effective on 1 May 1993, in the grade of gunnery sergeant, vice the discharge of 15 April 1993 now of record. His record should then be corrected to show that he transferred to Retired List on 16 July 2009, his 60th birthday.

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

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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