



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

JSR
Docket No. 09847-09
10 December 2009

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

Subj: ~~REDACTED~~
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 1 Sep 09 w/attachments
(2) HQMC CMT memo dtd 26 Oct 09
(3) HQMC MMPR memo dtd 16 Nov 09
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show he was not augmented into the Regular Marine Corps (USMC), did not resign a USMC commission, and was not discharged from the USMC on 15 November 2006, but rather was released from active duty and transferred to the Individual Ready Reserve (IRR) on that date; that he was not commissioned in the Marine Corps Reserve (USMCR) on 26 March 2009; and that he was promoted to captain in the USMCR with a date of rank and effective date of 1 December 2006.

2. The Board, consisting of Messrs. Garst, Leeman and Mann, reviewed Petitioner's allegations of error and injustice on 10 December 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. In correspondence attached as enclosures (2) and (3), the Headquarters Marine Corps offices with cognizance over the subject matter of this case have commented to the effect that Petitioner's request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show that he was not augmented into the USMC, did not resign a USMC commission, and was not discharged from the USMC on 15 November 2006, but rather was released from active duty on that date and transferred to the IRR; and that he was not commissioned in the USMCR on 26 March 2009.

b. That his record be corrected further to show he was promoted to captain in the USMCR with a date of rank and effective date of 1 December 2006.

c. That his anniversary date and pay entry base be adjusted accordingly.

d. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

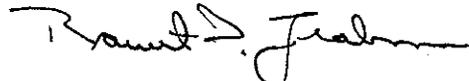
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the

foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
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.


FOR W. DEAN PFEIFFER
Executive Director