



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

JSR
Docket No. 02369-10
18 November 2010

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 23 Feb 10 w/attachment
(2) HQMC CMT memo dtd 12 Jul 10
(3) HQMC MMSR-5 memos dtd 28 Jul 10 w/enclosure
and 8 Oct 10
(4) HQMC MMOA-3 memo dtd 16 Sep 10
(5) HQMC RCT memo dtd 18 Oct 10
(6) Subject's ltr dtd 17 Nov 10
(7) 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 the applicable naval record be corrected to change the acceptance date of her commission as a first lieutenant in the Marine Corps Reserve from 3 June 2009 to 16 December 2007, the day after her discharge from the Regular Marine Corps; change the date of rank on her commission from 28 March 2007 to 19 December 2005 (the date of rank she was originally assigned); change her expiration of obligated service (EOS) date from 20 January 2003 to 18 December 2011; and change the separation code associated with her discharge on 15 December 2007 from KBK1 (voluntary discharge (completed obligated service)) to MBK1 (release from active duty (remaining obligated service)).

2. The Board, consisting of Messrs. Dunn, Garst and Grover, reviewed Petitioner's allegations of error and injustice on 18 November 2010, 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) through (5), the Headquarters Marine Corps offices with cognizance over the subject matter of this case have commented to the effect that Petitioner's requests concerning the acceptance date of her commission and her date of rank have merit and warrant favorable action, but that her requests regarding EOS and separation code should be denied.

c. Enclosure (6) is Petitioner's comment on enclosure (4).

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) through (5), the Board finds the existence of an error and injustice warranting the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the acceptance date of her commission as a first lieutenant in the Marine Corps Reserve from 3 June 2009 to 16 December 2007.

b. That her pay entry base date and anniversary date be adjusted accordingly.

c. That her record be corrected further by changing the date of rank on her commission in the Marine Corps Reserve from 28 March 2007 to 19 December 2005; and that her lineal precedence be adjusted accordingly.

d. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

e. 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.

f. That the remainder of Petitioner's request be denied.

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.



JONATHAN S. RUSKIN
Acting Recorder

ROBERT D. ZSALMAN
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