



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

JSR  
Docket No. 00986-11  
7 April 2011

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 7 Jan 11  
(2) HQMC MMPR memo dtd 17 Feb 11  
(3) HQMC MMSR-5 memo dtd 10 Mar 11  
(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 the applicable naval record be corrected to show that he accepted a commission as a captain in the Marine Corps Reserve on 26 July 2010, the date of his discharge from the Regular Marine Corps; and that his record be corrected further to show he was promoted to major in the Marine Corps Reserve with the date of rank and effective date he would have received, had he been commissioned in the Marine Corps Reserve without a break in service.

2. The Board, consisting of Messrs. Green, Pfeiffer and Vogt, reviewed Petitioner's allegations of error and injustice on 7 April 2011, 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 enclosures (2) and (3), the Headquarters Marine Corps offices with cognizance over the subject matter of Petitioner's case have commented to the effect the request has merit and warrants favorable action. Enclosure (2) specifically recommends correcting his record to show he was promoted to major with a date of rank (and by implication, effective date) of 1 November 2010.

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 partial relief. In light of enclosure (3), the Board finds Petitioner's record should be corrected to show he was commissioned in the Marine Corps Reserve on 27 July 2010, the day after his discharge from the Regular Marine Corps, rather than 26 July 2010, the date he specifically requested. In light of enclosure (2), the Board finds his record should be corrected further to show he was promoted to major in the Marine Corps Reserve with a date of rank and effective date of 1 November 2010. In view of the above, the Board directs the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show he accepted a commission as a captain in the Marine Corps Reserve on 27 July 2010; and that his anniversary date and pay entry base date be established accordingly.

b. That his record be corrected further to show he was promoted to major in the Marine Corps Reserve with a date of rank and effective date of 1 November 2010; and that his lineal precedence be adjusted accordingly.

c. That any material or entries inconsistent with or relating to 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.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

e. 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.

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