



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

JSR  
Docket No. 6659-12  
13 September 2012

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 29 May 12  
(2) HQMC MMSR-5 memo dtd 14 Jun 12 w/enclosure  
(3) HQMC MMPR memo dtd 6 Sep 12  
(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 he was discharged from the U. S. Marine Corps Reserve (USMCR) in May 2003 and reinstated in the Individual Ready Reserve in February 2009, so that he will not be discharged from the USMCR on 1 October 2012.

2. The Board, consisting of Messrs. W. Hicks, Spooner and Swarens, reviewed Petitioner's allegations of error and injustice on 13 September 2012, 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 enclosure (2), MMSR-5, the Headquarters Marine Corps (HQMC) office having cognizance over the subject matter of Petitioner's case, has commented to the

effect that the request has merit and warrants favorable action. That office specifically recommended correcting his record to show he was discharged on 27 May 2003 and reappointed on 14 February 2009.

c. In correspondence at enclosure (3), MMPR, the HQMC Promotions Branch, commented to the effect that if Petitioner had been discharged on 27 May 2003 and reappointed on 14 February 2009, he would have been reappointed as a major with a date of rank of 1 January 2006 and lineal number of 10517000.

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 to show he was discharged from the USMCR on 27 May 2003 and reappointed on 14 February 2009 as a major, with a date of rank of 1 January 2006 and lineal number of 10517000.

b. That action to effect his discharge from the USMCR on 1 October 2012 be set aside.

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.

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.



W. DEAN PFEIFFER  
Executive Director