



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

[REDACTED]
Docket No. 3524-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED],
[REDACTED] USMCR

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1001R.1L

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to reinstate satisfactory years for anniversary years ending 30 June 1999 and 22 May 2009.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 2 September 2021 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, relevant portions of Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Per reference (b), the anniversary year is calculated from anniversary date which is established on the day the Marine entered into active service, or active status in Reserve Component (RC). To be credited with a full year of qualifying service, the Reserve Marine must earn at least 50 Reserve retirement credit points during the anniversary year. A qualifying year of service for Reserve retirement is a full year, during which an Active Component or RC member is credited with a minimum of 50 retirement points. A member who has a break-in-service that occurs during an anniversary year shall be credited with a partial year of qualifying service for Reserve retirement. Moreover, time served in a Service academy is not creditable for pay purposes.

b. On 21 April 1998, Petitioner enlisted in the Naval Reserve for a term of 8-years of which 4-years was for enlistment in the Regular component.

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c. Petitioner served in U.S. Navy from 12 May 1998 through 30 June 1999; released from active duty to enter U.S. Naval Academy (USNA).

d. On 23 May 2003, Petitioner accepted commission in U.S. Marine Corps and served on active duty through 15 May 2008; released from active duty and transferred to the Individual Ready Reserve.

e. On 14 July 2009, Petitioner affiliated as an Individual Mobilization Augmentee and mobilized on 1 September 2009.

f. Based on Career Retirement Credit Report (CRCR) dated 21 April 2021, Petitioner's anniversary date upon entry into the USMCR was erroneously established as 21 April 1998; Petitioner attended USNA from 1 July 1999 through 22 May 2003. Petitioner credited with satisfactory years of qualifying service for the anniversary years of 21 April 1998 through 20 April 1999, 21 April 1999 through 20 April 2000 and 21 April 2008 through 20 April 2009.

g. After correction of anniversary date from 21 April to 23 May, Petitioner's CRCR dated 12 May 2021 reflects Petitioner credited with satisfactory year of qualifying service for the anniversary year of 21 April 1998 through 20 April 1999 and a partial year of qualifying service for the anniversary year of 21 April 1999 through 30 June 1999. The anniversary year ending 22 May 2009 is unsatisfactory with 26 total points.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner's anniversary date initially began on 21 April; however, an adjustment to the anniversary date was required after graduating from USNA and returning to service. Once the Marine Corps corrected Petitioner's anniversary date to 23 May, his points were redistributed. The redistributed points resulted in Petitioner not having the minimum 50 points for a satisfactory year for anniversary year ending 22 May 2009; therefore, partial relief is warranted.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Twenty Four (24) Inactive Duty Training Point were transferred from anniversary year ending 22 May 2010 to the anniversary year ending 22 May 2009.

Note: This change will result in a satisfactory year of service for anniversary year ending 22 May 2009.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. The Board determined that Petitioner's request to be granted a full satisfactory year ending 30 June 1999 be denied due to his break in service.

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A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. 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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

10/28/2021

[REDACTED]

Deputy Director

[REDACTED]