



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

[REDACTED]  
Docket No. 3764-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]  
[REDACTED] XXX XX [REDACTED] USMCR

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1900.16 Ch. 2 of 15 Feb 19

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 show Petitioner submitted an application for transfer to the retired reserve awaiting pay at age 60.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 26 October 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, 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. On 1 August 2013, Petitioner was promoted to Gunnery Sergeant/E-7.

c. On 10 March 2017, Petitioner reenlisted for 3 years with an Reserve End of Current Contract (RECC) of 9 March 2020.

d. On 14 March 2018, Commandant of the Marine Corps issued Petitioner a notification of entitlement to retired pay at age 60 and eligibility to participate in the Reserve Component Survivor Benefit Plan (RCSBP).

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e. In accordance with reference (b), a Reservist who completes 20 qualifying years of service (not necessarily continuous) is eligible, upon application, to transfer to the Retired Reserve list and to receive retired pay and benefits.

Requests for voluntary retirement by Selected Marine Corps Reserve (SMCR) and Individual Mobilization Augmentee (IMA) affiliated Marines will be submitted by the reporting command via the Unit Diary Marine Integrated Personnel System per MCTFS PRIUM (Online). Requests outside the 4 to 14 month submission timeframe must be submitted via separate correspondence with justification to the Commandant of the Marine Corps (CMC) (MMSR-5) with chain of command justification and command endorsements via the first General Officer.

Per Title 5 U.S.C. Section 8301, the effective date of retirement must be the first day of the month and cannot be later than the first day of the month following mandatory removal dates.

f. On 30 March 2019, Petitioner completed 21 satisfactory years.

g. On 9 March 2020, Petitioner was separated from the U.S. Marine Corps Reserve.

h. On 29 March 2021, Petitioner's Reporting Senior certified Petitioner's USMC Fitness Report (NAVMC 10835A) for the period of 1 October 2018 to 30 November 2018 and wrote the following: "This is an extended report; my evaluation remains the same. As we prepared to demobilize and transition to terminal leave, [REDACTED] continued to perform at a high level and demonstrate the utmost professionalism. Highly recommended for promotion and retention. Furthermore, Petitioner's Reviewing Officer certified Petitioner's USMC Fitness Report (NAVMC 10835A) on 25 June 2021.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner's failure to request transfer to the Retired Reserves should not prevent his placement in the Retired Reserve awaiting Pay at Age 60 after 21 years of qualifying service.

## RECOMMENDATION

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

The record of discharge from the U.S. Marine Corps Reserve effective 9 March 2020, is rescinded.

Petitioner submitted an application for transfer to the retired reserve awaiting pay at age 60 in a timely manner, and was approved by cognizant authority effective 1 March 2020.

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

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[REDACTED] XXX XX [REDACTED] USMCR

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.

11/20/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]