



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

[REDACTED]
Docket No. 4176-21
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 1900.16

Encl: (1) DD Form 149 w/attachments
(2) HQMC 1820 MMSR-5 of 2 August 21
(3) 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 reflect transfer to the Retired Reserve Awaiting Pay at Age 60 vice discharge.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 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. On 1 September 2013, Petitioner promoted to Master Sergeant (MSgt)/E-8.
- b. Petitioner issued Notification of Entitlement to Retired Pay at Age 60 and Eligibility to Participate in the Reserve Component Survivor Benefit Plan (RCSBP) on 17 May 2016.
- c. On 19 November 2016, Petitioner reenlisted for a term of 3-years; thereafter, he executed an extensions. Reserve End of Current Contract (RECC): 18 September 2020.
- d. Petitioner was discharged on 18 September 2020 with 24-years, 4-years, and 6-days total years of qualifying service (TYQS) to retire.

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e. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. Petitioner failed to request retirement in accordance with reference (b) prior to his 18 September 2020 RECC. However, because Petitioner earned over 20 TYQS to retire, the Board felt, under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner's discharge transaction of 18 September 2020 is rescinded.

Petitioner submitted request to transfer to the Retired Reserve Awaiting Pay at Age 60 in a timely manner; it was approved with a retirement date of 1 September 2020 in paygrade MSgt/E-8.

Petitioner transferred to the Retired Reserve Awaiting Pay at Age 60 effective 1 September 2020.

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.

10/22/2021

[REDACTED]
Deputy Director
[REDACTED]