



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

█
Docket No. 6897-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER █
XXX XX █ USMCR

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO P1400.29B w/ CH 3

Encl: (1) DD Form 149 w/attachments
(2) HQMC/MMPR-2 ltr 1400/3 of 7 Feb 22
(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 establish promotion to Sergeant (Sgt)/E-5 effective 1 October 1986 vice 3 March 1987.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 9 March 2022 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.¹

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 3 March 1987 Petitioner's Reserve unit was issued notification of his remedial promotion to Sgt/E-5 with date of rank 1 October 1986 effective 3 March 1987. Additionally, the letter instructed the unit to have Petitioner submit an application to the Board, to change the effective date from 3 March 1987 to 1 October 1986 for retroactive pay and allowances.

b. Petitioner transferred to the Individual Ready Reserve effective 10 March 1987.

c. On 8 April 1987 Petitioner discharged from the U.S. Marine Corps Reserve to enlist in the U.S. Army National Guard (USANG).

¹ In accordance with reference (b), when remedial consideration for promotion is resolved in favor of the Marine, application may be made to the Board, in accordance with the provisions of reference (a), for such retroactive pay and allowances as may be due the Marine.

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d. On 9 April 1987 Petitioner enlisted in the USANG for a term of 2 years.

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's request for remedial consideration for promotion to Sgt/E-5 was approved on 3 March 1987. The Commandant of the Marine Corps sent Petitioner's reserve command the approval letter on that same date. Although the proper administrative procedures were not followed, the Board felt that had Petitioner received the proper counseling on requesting retroactive pay and allowance, he would have done so in a timely manner. Therefore, under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner's effective date of promotion to Sgt/E-5 is amended to "1 October 1986" vice "3 March 1987."

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine retroactive pay entitlements.

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.

3/25/2022

Signed by: [REDACTED]