



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

██████████  
Docket No. 7690-21  
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 1900.16

Encl: (1) DD Form 149 w/attachments  
(2) HQMC memo 1820 MMSR-5 of 15 Mar 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 issue retirement orders in place of medical separation.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 21 April 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.

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 13 February 1970, Petitioner enlisted in the U.S. Marine Corps Reserve (USMCR) for 6 years and continued to serve through 6 June 1985 when he discharged to accept enlistment in the USMCR (Active Reserve) effective 7 June 1985.

b. On 1 July 1987, Petitioner promoted to paygrade E-8.

c. Petitioner reenlisted on 3 November 1987 for a term of 6-years. Subsequently, Petitioner executed a 3-month extension. End Current Contract (ECC): 2 February 1994.

d. On 18 December 1991, Petitioner issued Notification of Entitlement to Retired Pay at Age 60 and to Participate in the Reserve Component Survivor Benefit Plan.

e. On 8 July 1995, Petitioner issued Orders to Proceed Home Pending Final Disposition of Physical Evaluation Board (PEB) Proceedings.

f. On 20 September 1995, Petitioner was honorably discharged from the USMCR (Active Reserve) for Physical Disability with Severance Pay.

g. Petitioner's 60TH birthday was on ██████████.

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XXX XX [REDACTED] USMCR

h. 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. The Board concluded Petitioner met the eligibility criteria for a non-regular retirement in accordance with reference (b). Therefore, the Board felt, under these circumstances, relief is warranted.

#### RECOMMENDATION

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

Petitioner was "released from active duty and transferred to the Marine Corps Reserve" vice "discharged" on 20 September 1995.

Petitioner extended beyond his ECC at the convenience of the government in order to retire effective 1 October 1995.

Petitioner approved to transfer to the Retired Reserve awaiting pay at age 60 in paygrade E-8 effective 1 October 1995 with over 25 years of qualifying service.

Petitioner approved to transfer to the Retired Reserve with pay at age 60 [REDACTED]. Note: Headquarters Marine Corps (MMSR-5) shall provide direction to Petitioner on submitting documents to receive retired pay.

Note: Petitioner received disability severance pay upon discharge on 20 September 1995. Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine retroactive pay and allowance entitlement.

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.

5/12/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]