



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

[REDACTED]  
Docket No. 635-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED] USMCR RET

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1040R.31 of 2 May 2011  
(c) MARADMIN 334/20 of 8 Jun 20  
(d) MARADMIN 088/21 of 23 Feb 21

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 that Petitioner was promoted to Master Gunnery Sergeant (MGySgt) effective 1 July 2021, furthermore, that the minimum time-in-grade for that rank be considered met upon his retirement on 1 February 2022.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 10 February 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, 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 30 August 1982, Petitioner enlisted for 6 years in the U.S. Marine Corps Reserve. Petitioner's Pay Entry Base Date (PEBD) was 30 August 1982 based on Petitioner's DD Form 1966/1.

c. On 19 April 1983, Petitioner entered active duty for 4 years in the U.S Marine Corps.

d. On 25 April 1990, Petitioner was discharged upon expiration of enlistment.

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e. On 22 December 1993, Petitioner reenlisted for in the U.S. Marine Corps Reserve with a new PEBD of 26 April 1986 based on Petitioner's DD Form 1966/1.

f. On 22 April 2006, Petitioner was discharged.

g. On 7 July 2009, Petitioner reenlisted for in the U.S. Marine Corps Reserve with a new PEBD of 10 July 1989 based on Petitioner's DD Form 1966/1.

h. In accordance with reference (b), service limitations in the Marine Corps Reserve (MCR) (excluding AR Marines) are based on two criteria: qualifying service and total federal service. A qualifying year (satisfactory year, or sat year) of federal service is defined as a year of federal service qualifying for retirement when a Reserve Marine is credited with a minimum of 50 Reserve retirement points during an anniversary year. Total federal service is defined as the sum of all periods of time during which the Reserve Marine is a member of the Armed Forces (in most cases this is based on PEBD). All service spent as Prior Service Other Services (PSOS) time will be considered when determining service limits for applicant to the MCR. The grade held determines the number of years of service authorized. MCR service limitations for Sergeant Major/Master Gunnery Sergeant at the time of reenlistment, to include the period of reenlistment/extension contemplated is 30 years total federal service.

NOTE: "30 years total federal service", applies to all ranks as a maximum service limitation. The Commandant of the Marine Corps (CMC) may grant additional contractual service when a Marine applying for reenlistment or extension does not exceed the number of total qualifying years of federal service for grade. Waivers of the service limitations may be granted in exceptional cases and only where there is a critical Marine Corps need by grade and Marine Occupational Specialty (MOS). Waivers must be requested from the Reserve Counterpart Training (RCT).

i. On 1 January 2014, Petitioner was promoted to Master Sergeant/E-8.

j. On 13 July 2015, Commandant of the Marine Corps notified Petitioner that per the references, a review of Petitioner's record indicates that he is eligible to receive reserve retired pay at age 60, and make an election under the Reserve Component Survivor Benefit Plan (RCSBP). Marines in the Active Reserve are also eligible to participate in the RCSBP.

This notification is not transferring Petitioner to a retired status. Petitioner must request a retirement status in accordance with paragraph 3016 of MCO 1900.16 (MARCORSEPMAN). Petitioner's failure to request retirement will result in his separation from the Marine Corps at the expiration of his contract if not extended. Should Petitioner's contract expire and he becomes separated, this notification will entitle him to retired pay at age 60 as a former member. This status will reduce the value of Petitioner's retired pay, as his pay will be calculated on the pay tables in effect at the time of Petitioner's discharge vice the pay tables in effect on Petitioner's sixtieth birthday had he transferred to a retired status.

k. On 10 June 2016, Petitioner reenlisted for 3 years with an Reserve End of Current Contract (Reserve ECC) of 9 June 2019.

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l. On 21 December 2018, Petitioner's Careerist Reserve Reenlistment request was submitted and approved by Headquarters, U.S. Marine Corps (HQMC) on 16 January 2019. Petitioner's PEBD was 3 July 1986, and had over 32 years of federal service. Furthermore, Petitioner had completed 23 years of qualifying service.

m. On 10 February 2019, Petitioner reenlisted for 3 years with an Reserve ECC of 9 February 2022.

n. In accordance with reference (c), promotion to staff noncommissioned officer (SNCO) grades in the Marine Corps is an honor with attendant responsibilities and expectations. Marines selected for promotion are expected to serve in the grade to which selected.

Commencing in July 2020, Marines who are selected to the ranks of Staff Sergeant through Sergeant Major/Master Gunnery Sergeant to include meritorious promotions must have at least 24-months of obligated service remaining on contract beginning on the date of their promotion.

Upon release of the Staff Sergeant through Sergeant Major/Master Gunnery Sergeant selection lists, Marines who are selected will submit to CMC (MMEA), or CMC (RA) for RC Marines, via the Total Force Retention System, the necessary reenlistment or extension request to acquire the obligated service requirement. CMC (MMEA)/CMC (RA) will approve the request prior to the Marine's eligible promotion date.

o. In accordance with reference (d), any Marine selected for promotion by the FY21 Reserve SNCO Selection board must have at least 24-months of obligated service remaining on contract beginning on the date of their promotion. The following selectees in the Selected Marine Corps Reserve (SMCR) were approved on 22 February 2021: "...Petitioner was selected to Master Gunnery Sergeant with a seniority number 10..."

p. On 1 April 2021, BCNR notified Petitioner that his PEBD was corrected to reflect 10 July 1989 vice 3 July 1986.

q. On 8 June 2021, Administrative Chief/Career Planner, Battery Fox, [REDACTED] notified Petitioner that he knows Petitioner's service record has been brought to light and a lot of flags have been raised regarding Petitioner's request. He was currently temporary additional duty (TAD) at a reserve Career Planners Course and he asked the Regiment and Division Career Planners about Petitioner's situation. It was determined from HQMC that Petitioner will have to retire 1 February 2022. Petitioner will not be granted any more time as Petitioner was already over 30 years of service. To coincide with that, Petitioner's promotion will no longer be effective 1 July 2021. He attached the required form to officially request for Reserve Retirement. Please fill this out and send back to Admin so that we can process it on diary and give HQMC time to gather all of Petitioner's retirement certificates. If Petitioner had any questions regarding this matter, he was to contact MMSR [REDACTED]

r. On 14 June 2021, Administrative Chief/Career Planner, Battery Fox, [REDACTED] notified Petitioner that after doing some research and making numerous phone calls/emails on Petitioner's behalf, he had gathered some information for him. From their

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previous email, in which, he explained the process of Petitioner not being able to be promoted (due to being over Service Limitations (for reference that is MARADMIN 468/20)) and subsequently needing to submit a request for retirement for 1 February 2022. All of this was passed down from the Retention Chief at M&RA. If the above explanation did not meet Petitioner's expectations with regard to an official answer, He had attached a NAVMC 10274 (AA Form) that will be routed via the Chain of Command to M&RA (RAM-1) for the official guidance on Petitioner's respective Promotion/Retirement. Petitioner was asked to fill this out and return back to Admin for proper routing.

s. On 17 August 2021, Administrative Chief/Career Planner, Battery Fox, [REDACTED] notified Petitioner that as of yesterday, 4th Marine Division returned Petitioner's Enlisted Career Force Controls (ECFC) waiver with no action taken. Instead of being routed via AA form plus endorsements from the Battery up, they stated that it needed to be processed via a Reenlistment Extension Lateral Move (RELM) through Total Force Retention System (TFRS). Now he had attached (RELM) here so that signatures can be gathered or Petitioner could wait until September's Drill to gather the signatures. But please note, if this is not approved, Petitioner must immediately submit for retirement as the window for that is vastly closing. Requests for retirement are to be submitted 4 to 14 months prior.

t. On 2 September 2021, Administrative Chief/Career Planner, Battery Fox, [REDACTED] notified Petitioner that he had received more guidance from HQMC. Attached is Time in Grade waiver that will be routed from the command here (Fox Battery) up to CG of [REDACTED] Marine Division. The RELM still needed to be completed during the upcoming drill weekend. He reattached the Appendix J (Retirement Request).

u. On 13 September 2021, Administrative Chief/Career Planner, Battery Fox, [REDACTED] Marines both Battalion administrative Chief and Career Planner Site Support ([REDACTED]) [REDACTED] Division that Petitioner's Request for Transfer to the Retired Reserve awaiting pay at age 60 and Request for waiver of time in grade prerequisites were being forwarded for action.

v. On 18 November 2021, Battalion administrative Chief Site Support ([REDACTED]) [REDACTED] notified Administrative Chief/Career Planner, Battery Fox, [REDACTED] Marines that Petitioner's Exception to Policy (ETP) for obligated service required changes. Those would be the remission, the promotion, and the retirement AA forms.

w. On 11 January 2022, Diary Retrieval System listed Petitioner's request for retirement outside of normal parameters via AA Form/Endorsement approved on 7 January 2022. Pending action.

x. On 19 January 2022, Staff Admin Director, Manpower and Reserve Affairs (M&RA), HQMC notified Deputy Director, BCNR that he just finished talking to the Reserve Affairs (RA) Sergeant Major. RA just received Petitioner's package, which had been in the works since September 21. At this point, the Sergeant Major said he did not intend to put the package in front of the DC with only 9 days left until Petitioner's retirement date.

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y. On 20 January 2022, Sergeant Major, Reserve Affairs Division, M&RA, HQMC notified Deputy Director, BCNR, that the waiver request was sent back on 18 January to [REDACTED] Marine Division for routing correction. Once the corrected waiver package is received, every action required will be taken to process the waiver for DC M&RA's consideration. Reserve Affairs has already started putting the package together as well as developing the yellow route sheet in order to maximize timeliness with this request.

z. On 21 January 2022, Sergeant Major, Reserve Affairs Division, M&RA, HQMC notified Deputy Director, BCNR, the obligated service waiver package was expedited to DC M&RA yesterday and he signed off as disapproved. Furthermore, the reason for disapproval was that Petitioner refused to extend or reenlist in order to meet obligated service.

aa. On 8 February 2022, Commandant of the Marine Corps notified Petitioner that he will transfer to the Retired Reserve Awaiting Pay at Age 60, under MCO 1900.16, par. 3016, 3012 (MARCORSEPMAN), Title 10, U.S.C., Sections 10154 and 12774(a), and Title 10, U.S.C., Section 12731 on 31 January 2022. Certificate of Retirement reflects Petitioner's change of status in the Marine Corps Reserve.

On 1 February 2022, the effective date of Petitioner's retirement, in accordance with Title 10, U.S.C., Sections 10154 and 12774(a), Petitioner's retired rank was Master Sergeant. Petitioner's retired Identification and Privilege Card and official correspondence from this headquarters will reflect as such. As 13 January 2022, the Marine Corps Total Force System shows, Petitioner had a total of 5,633 points creditable for computing retired pay, per "Certified True Copy" Career Retirement Credit Record. Additional points earned before the effective date of Petitioner's retirement will be reflected on his next set of orders transferring him to the Retired List with Pay. Petitioner had completed 27 years of qualifying service.

## 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 that on 10 June 2016, Petitioner was authorized and reenlisted for 3 years with a Pay Entry Base Date (PEBD) of 3 July 1986 (with almost 30 years total federal service). On 10 February 2019, Petitioner was authorized and reenlisted for 3 years with a PEBD of 3 July 1986 (with over 32 years total federal service). On 23 February 2021, Petitioner was selected to Master Gunnery Sergeant and was scheduled to be promoted on 1 July 2021. On 1 April 2021, BCNR corrected Petitioner's PEBD to reflect 10 July 1989 reducing his total federal service by 3 years. Petitioner currently has fewer years of total federal service than his records reflected when he was allowed to reenlist in 2019. The Board concluded that it should not have taken so long to take action on Petitioner's request especially when their reason for disapproval was that Petitioner refused to reenlist. Petitioner was previously told he would not be permitted to reenlist. The Board considered allowing Petitioner to extend to meet time in grade requirements; however, HQMC has made it clear that he will not be permitted to reenlist or extend. Therefore, the Board concluded that Petitioner should be promoted to Master Gunnery Sergeant effective 1 July 2021 and that because he would have had over 6 months time



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in grade upon his retirement on 1 February 2022, the Board concluded Petitioner served enough time in grade to grant the waiver of time in grade prerequisites.

#### RECOMMENDATION

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

Petitioner submitted a request for waiver of time in grade prerequisites in a timely manner, and it was approved by cognizant authority.

Petitioner was promoted to Master Gunnery Sergeant/E-9 effective 1 July 2021. Furthermore, Petitioner's retired rank was Master Gunnery Sergeant.

Note: As a result of this change, the reissuance or updating of relevant documents in Petitioner's record may be necessary. Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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.

3/2/2022

[REDACTED]

[REDACTED]