



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

[REDACTED]
Docket No. 4710-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16F

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 1820 MMSR-5 of 22 Aug 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 authorize transfer to the Retired Reserve Awaiting Pay at Age 60.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 September 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. The Marine Corps Total Force System reflects Petitioner has Armed Forces Original Entry Date of 10 July 1991 and Pay Entry Base Date of 28 April 1992. Additionally, Petitioner entered the Selected Marine Corps Reserve on 28 July 1992 and promoted to Master Gunnery Sergeant (MGySgt)/E-9 effective 1 May 2016.

b. On 22 August 2019, Petitioner discharged at Reserve End Current Contract (RECC) with 28-years of qualifying service.

c. 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.

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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 met the eligibility criteria to transfer to the Retired Reserve awaiting pay at age 60, but failed to request retirement prior to the expiration of his contract in accordance with reference (b), resulting in discharge at RECC. Although Petitioner did not complete the proper administrative requirements, the Board felt that under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner transferred to the Retired Reserve Awaiting Pay at Age 60 effective 1 August 2019 vice discharge on 22 August 2019.

Note: Commandant of the Marine Corps (MMSR-5) shall provide direction to Petitioner on requesting transfer to the Retired Reserve with-pay in accordance with reference (b).

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.

9/14/2022

[REDACTED]

Deputy Director

[REDACTED]