



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

█
Docket No. 5392-22
Ref: Signature Date

█
█
█

█:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 27 September 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board also considered the advisory opinion by Headquarters, U.S. Marine Corps memorandum 1820 MMSR-5 of 19 August 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

On 29 May 1979 you enlisted in the U.S. Marine Corps Reserve for 6 years with an expiration of obligated service (EOS) of 28 May 1985. You were released from active duty with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 12 June 1980 to 11 June 1984 upon completion of required active service, and on 28 May 1985 you were honorably discharged.

On 14 October 1985 the Commandant of the Marine Corps (CMC) notified Officer in Charge, █ that the request contained in NCOIC PSRO letter 1133 PSRO-1 of 25 September 1985 for reenlistment into the Marine Corps Reserve was approved for a period of 2 years, provided you were physically qualified, and On 28 October 1985 you reenlisted in the U.S. Marine Corps Reserve for 2 years with an EOS of 27 October 1987.

On 19 May 1986 the CMC notified you on 7 July 1986, and as provided by Title 10 USC 265, 672, 678, and MCO 1001.52B that you were assigned to active duty for a period of 2 years, and you must report to the nearest government medical facility for a physical examination.

You were released from active duty with an honorable character of service and were issued a DD Form 214 for the period of 7 July 1986 to 29 September 1991 upon completion of required active service full time support (FTS). On 30 December 1987 you reenlisted in the Marine Corps Reserve for 3 years with an end of current contract (ECC) of 29 December 1990 and end of active service of 29 August 1991. On 5 June 1991 the CMC notified you that your tour of active duty had been extended from 7 July 1991 to 29 September 1991. On 9 August 1991 you reenlisted in the Marine Corps Reserve for 6 years with an ECC of 8 August 1997.

On 6 November 1991 the CMC notified Commanding Officer, ██████████ that the request contained in ██████████ 161521Z October 1991 was given careful consideration. A favorable response could not be given, as you were ineligible for separation pay. According to paragraph 10 of SECNAVINST 1900.7G, a request to remain on active duty must be unqualified, and submitted no later than six months prior to release from active duty. The CMC letter 1001 MMRA of 11 September 1990 notified you that the billet you were filling was not revalidated on ██████████ FY 91 Table of Organization, and you must reapply for a new assignment within the FTS program. Since that time there has been two enlisted selection boards held. You did not submit an application for either board, and therefore have not been denied additional service with the FTS program.

On 7 January 1992 the CMC notified you that the selection of applicants for the FTS program was competed on 19 December 1991. Although you were not a primary selectee for an FTS position, you had been selected as an alternate.

On 13 May 1993 the CMC notified you that your application for assignment to active duty with the FTS program was considered by a Reserve FTS Enlisted Selection Board, which convened on 6 April 1993. You were not among those selected for the program.

On 8 April 1997 the Commanding Officer, ██████████ notified you that effective 1 April 1997, you were voluntarily transferred to the Individual Ready Reserve by your request—pay entry base date of 28 October 1979 component KA. On 8 August 1997 you were honorably discharged.

On 7 December 2001 the CMC notified Officer in Charge, ██████████, ██████████ that your reenlistment into the Marine Corps Reserve was approved for a period of up to 1 year, provided you met the height and weight requirements or is "within the body fat standards" prescribed by MCO 6100.10B (with change 3 - ALMAR 326/97) and were physically qualified. This approval was valid for 6 months from the date of this letter.

In accordance with Title 10 USC section 12731 of 2002, except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this Title, if the person is at least 60 years of age; has performed at least 20 years of service computed under section 12732 of this title; performed the last eight years of qualifying service while a member of

any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

On 13 January 2003 you were honorably discharged and you were issued a Career Retirement Credit Record (CRCR) that covered periods of military service beginning 29 May 1979 to 13 January 2003, with a total point's credit of 3,700, and total satisfactory years/qualifying service of 11 years.

You requested that your military records be updated to accurately reflect the entirety of your military service because you would like a retirement. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that there is no error in your naval record. All of your enlistment/reenlistment contracts, DD Form 214s, and other records of discharge match your CRCR. Your CRCR states that you have completed 11 satisfactory years towards a non-regular retirement. In accordance with Title 10, United States Code, Section 12731, the requirement for eligibility for a non-regular retirement is that you must perform at least 20 years of qualifying service. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

10/3/2022

█

Deputy Director

Signed by: █