



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

[REDACTED]
Docket No. 5465-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16, 26 Nov 13

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 show Petitioner was transferred to the Retired Reserve awaiting pay at age 60.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 16 August 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 1 July 2010, Petitioner was promoted to Master Sergeant/E-8.

c. On 7 July 2010, Commandant of the Marine Corps issued Petitioner a notification of entitlement to retired pay at age 60 and eligibility to participate in the Reserve Component Survivor Benefit Plan (RCSBP). A review of Petitioner's record indicates that he was eligible to receive Reserve Retired Pay at age 60. However, this notification is not transferring Petitioner to a retired status. Petitioner must request a retirement status in accordance with paragraph 3016 of MCO P1900.16F. Failure to request retirement will result in Petitioner's 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 Petitioner 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

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be calculated on the pay tables in effect at the time of his discharge vice the pay tables in effect on his sixtieth birthday had he transferred to a retired status.

In accordance with Title 10 U.S.C. § 12731, members of the Ready Reserve called to active service after 28 January 2008 may have their entitlement to retired pay eligibility age reduced from age 60, but no lower than age 50. The eligibility age shall be reduced below age 60 by three months for each aggregate of 90 days served on active duty, subject to the restrictions in Title 10 U.S.C. § 12731.

d. On 14 February 2013, Petitioner reenlisted for 2 years with an Reserve End of Current Contract (ECC) of 13 May 2016.

e. In accordance with reference (b), (Application For Transfer To The Retired Reserve Awaiting Pay At Age 60) submission of Requests: Requests for voluntary retirement will be submitted by the reporting command via the unit diary system per DoDI 1310.02 OnLine MCTFSPRIUM. Requests outside the 4 to 14 month submission timeframe must be submitted via separate correspondence to the CMC (MMSR-5) with justification and command endorsements. Per Title 5 U.S.C. section 8301, the effective date of retirement must be the first day of the month and cannot be later than the first day of the month following mandatory removal dates. Approval/disapproval of all requests will be issued by the CMC (MMSR-5) via unit diary.

f. On 13 July 2017, Commandant of the Marine Corps notified Petitioner that Petitioner received a Notification of Entitlement to Retired Pay at Age 60 upon completion of his 20th satisfactory year and Eligibility to Participate in the RCSBP. Due to an internal audit Petitioner was identified not having made an election. Due to Petitioner's marital status, as of today, Petitioner was automatically enrolled into Option A "I decline to make an election until age 60." A copy of this letter has been forwarded to Petitioner's Official Military Personnel File.

g. On 10 March 2026, Petitioner will turn 60.

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 Petitioner is eligible for a Reserve retirement due to exceeding the minimum total qualifying years of service; however, he did not submit a request to be transferred to the Retired Reserve awaiting pay at age 60 in a timely manner as required in reference (b).

RECOMMENDATION

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

The record of discharge from the Marine Corps Reserve effective 13 May 2016, is rescinded.

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[REDACTED]

Petitioner submitted an application for transfer to the retired reserve awaiting pay at age 60 in a timely manner, and was approved by cognizant authority effective 30 April 2016.

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.

8/24/2022

[REDACTED]
Deputy Director
[REDACTED]