



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

██████████  
Docket No. 7502-21

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Dear ██████████

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.

A three-member panel of the Board, sitting in executive session, considered your application on 10 February 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.

On 22 September 2001, you enlisted in the U.S. Marine Corps Reserve for 8 years with an Expiration of Obligated Service (EOS) of 21 September 2009. On 31 December 2001, you were issued Selection for the Officer Candidate Course Program and Assignment to Active Duty for Training orders, with an ultimate activity of Quantico, VA for duty under instruction with an effective date of arrival of 20 January 2002. On 29 March 2002, you signed a United States Marine Corps Appointment Acceptance and Record (NAVMC 763) in the active U.S. Marine Corps Reserve as a Second Lieutenant under the Officer Candidate Class (OCC) program. On 1 June 2012, you were promoted to Major.

On 7 August 2015, MCO 1900.16 CH1 was published with the following: "Qualifying service is credited per reference (c) Title 10 U.S.C. Section 12732. After 30 June 1949, a year of qualifying service is credited when a minimum of 50 retirement points (including 15 gratuitous membership points) are earned and a full 365 days or 366 days during a leap year period is served during the Marine's anniversary year. In a given anniversary year, retirement point credit resulting in less than a 50-point total is added to a cumulative retirement point total, but that anniversary year is not a qualifying year.

On 4 December 2015, Commandant of the Marine Corps notified you that your request, contained in reference (a), for a Minimum Participation Waiver of the 27-point requirement for your anniversary year ending 21 September 2015 has been approved. You will be required to earn a minimum of 27 points to remain in an active status, however, to achieve a satisfactory year for retirement purposes you must earn 50 points prior to 21 September 2016 the end of your next anniversary year.

On 12 May 2020, Commandant of the Marine Corps notified you that this letter is forwarded as a courtesy to ensure you understand the laws and policies pertaining to your status in the United States Marine Corps Reserve. Sections 14506 of the reference require the retirement, separation from an active status, involuntary retirement, or discharge of a reserve major who has completed 20 years of commissioned service and who is not on a promotion roster to the next higher grade. This action will be effected no later than the first day of the month following the month in which the officer completes 20 years of commissioned service, unless continued by a board convened by the Secretary of the Navy Since you were commissioned a second lieutenant on 29 March 2002, you will complete 20 years of commissioned service on 28 March 2022. Accordingly, under the current law, your mandatory removal date (MRD) is 1 April 2022.

In accordance with your Career Retirement Credit Report current as of 18 November 2021, listed two unsatisfactory years ending 21 September 2015 with 25 points and 21 September 2018 with 46 points with a total qualifying service of 18 years.

On 7 February 2022, Commandant of the Marine Corps notified you that a review of your Official Military Personnel File was conducted. Prior to this review, your MRD was 1 April 2022. In accordance with Title 10, U. S. Code 12646, your MRD is adjusted to 1 April 2025 and you are placed in a "safety zone" due to having 18 years of qualifying service towards retirement. This safety zone allows you to continue in an active status for up to three years giving you the opportunity to obtain 20 years of qualifying service.

You requested transfer of drill points from one of your satisfactory years to one of your unsatisfactory years in order to obtain 20 years of satisfactory years and receive retirement benefits; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that there is no error in your record and that due to the recent readjustment to your MRD to 1 April 2025 and your placement in a "safety zone" due to having 18 years of qualifying service towards retirement, there is sufficient time for you to obtain 20 years of qualifying service.

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,

2/27/2022

