



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

[REDACTED]
Docket No. 8893-22
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]
XXX-XX-[REDACTED] USMCR

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], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 December 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 16 July 1997, Petitioner enlisted in the United States Marine Corps Reserve for 8 years with an expiration obligated service of 15 July 2005.

c. Petitioner was released from Initial Active Duty Training with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 15 September 1997 to 17 April 1998 upon completion of required active service.

d. On 4 December 2005, Petitioner reenlisted for 2 years with a Reserve End of Current Contract (ECC) of 3 December 2007.

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

- e. On 28 September 2007, Petitioner reenlisted for 3 years with a Reserve ECC of 27 September 2010.
- f. On 21 September 2010, Petitioner signed an agreement to extend enlistment for 3 months with a Reserve ECC of 27 December 2010 in order to submit a reenlistment request.
- g. On 22 December 2010, Petitioner reenlisted for 3 years with a Reserve ECC of 21 December 2013.
- h. On 21 March 2014, Petitioner was discharged. Furthermore, Petitioner reenlisted on 29 July 2014.
- i. On 12 February 2017, Petitioner reenlisted for 3 years with a Reserve ECC of 11 February 2020.
- j. On 1 June 2017, Petitioner was promoted to Master Sergeant/E-8.
- k. On 11 September 2018, Commandant of the Marine Corps notified Petitioner that Petitioner received a Notification of Entitlement to Retired Pay at Age 60 and that a review of his record indicated that he was eligible to receive Reserve Retired Pay at age 60, and make an election under the RCSBP.
- l. On 3 August 2019, Petitioner reenlisted for 3 years with a Reserve ECC of 2 August 2022.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)¹ and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board determined that Petitioner completed over 20 years of qualifying service, however, he did not submit a request to transfer to the Retired Reserve Awaiting Pay at Age 60 prior to the end of his contract and subsequent discharge. The Board concluded that Petitioner's failure to request transfer should not prevent his placement in the Retired Reserve.

¹ Reference (b), requests for voluntary retirement by SMCR (Selected Marine Corps Reserve) and IMA (Individual Mobilization Augmentee) affiliated Marines will be submitted by the reporting command via the Unit Diary Marine Integrated Personnel System per MCTFS PRIUM (Marine Corps Total Forces System Personnel Reporting Instructions User's Manual) (Online). Requests outside the 4 to 14 month submission timeframe must be submitted via separate correspondence with justification to the CMC (MMSR-5) with chain of command justification and command endorsements via the first general officer. Requests will be submitted using the application contained in Figure 3-5. 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.

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

RECOMMENDATION

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

The record of discharge from the United States Marine Corps Reserve effective 2 August 2022 is rescinded.

Petitioner submitted an application for transfer to the retired reserve awaiting pay at age 60 effective 31 July 2022 in a timely manner, and was approved by cognizant authority, with a retirement date of 1 August 2022.

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.

12/20/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]