



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

[REDACTED]
Docket No. 9084-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMCR (RET)

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16 CH 2, 26 Nov 13/15 Feb 19

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by HQMC (MMSR-5), 12 Jan 22
(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 effective 1 March 2021 vice 1 February 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 February 2023 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 31 January 2019 Petitioner reenlisted for 2 years with a reserve end of current contract (ECC) of 30 January 2021, and completed 22 years of qualifying service on 22 November 2020.

b. On 29 January 2021 Petitioner signed an agreement to extend enlistment for 1-month with a Reserve ECC of 28 February 2021 in order to obtain sufficient service to transfer to the Reserve Retired List.

c. On 10 February 2021 the Commandant of the Marine Corps (CMC) notified Petitioner that Petitioner's request in his request of 18 January 2021 is approved. Petitioner will transfer to the Retired Reserve (Awaiting Pay), under MCO 1900.16, par. 3016 and MCO 1900.16, par. 3016,

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on 31 January 2021. Certificate of Retirement reflects Petitioner's change of status in the Marine Corps Reserve.

d. Petitioner's Certificate of Retirement from the Armed Forces of the U.S. of America lists that Petitioner, having served faithfully and honorably, was retired from the U.S. Marine Corps Reserve on 1 March 2021.

e. On 21 September 2021 the CMC notified Petitioner that he was entitled to receive reserve retired pay effective [REDACTED]. The law requires that Petitioner apply for retired pay. Accordingly, Application for Retired Pay (DD Form 108) is enclosed to facilitate your request. Furthermore, DD Form 108 was signed by Petitioner on 2 March 2022.¹

f. On 25 March 2022 the CMC notified Secretary of the Navy that per the authority contained in the CMC letter DM-CB of 24 Sep 69 to SECNAV: Approved 10 October 1969 and CMC memo DMR-CWG of 21 October 1969, it is recommended the enclosure be approved effective [REDACTED]. Petitioner turns 60 years of age on [REDACTED] and is eligible for retired pay per 10 U.S.C. 12731, and completed 20 or more years of satisfactory federal service.

g. On 28 March 2022 the CMC notified Petitioner that the Secretary of the Navy has approved his request for retired pay, per 10 U.S.C. 12 7 31. Petitioner's retired pay will accrue from [REDACTED] as authorized by DoDI 1215.07. Certificate of Retirement reflects Petitioner's change of status in the Marine Corps Reserve. Their records reflect: Before Petitioner's eligibility for retired pay, his transfer to the Retired Reserve (without pay and allowances) was on 31 January 2021. Petitioner's grade for retired pay is Gunnery Sergeant.

h. On [REDACTED], Petitioner will turn 60 years old.

i. In the advisory opinion, 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.

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 on 29 January 2021, Petitioner signed an agreement to extend for 1-month with a Reserve ECC of 28 February 2021 in order to obtain sufficient service to transfer to the Reserve Retired List and Petitioner's Certificate of Retirement states

¹ Reference (b), application for retired pay benefits at age 60. Retired pay benefits must be requested: the process is not automatic. Marines of the Retired Reserve and former members of the Reserve who are eligible under paragraph 3011 may apply for retired pay by the use of DD Form 108 (Application for Retired Pay Benefits). The Commandant of the Marine Corps (CMC), Reserve Retirement and Separation Section (MMSR-5) provides a DD Form 108 to Marines on the Reserve Retired List Awaiting Pay at Age 60, approximately 6 months prior to their 60th birthday or earlier if eligible per reference (o) DoDI 1200.15. DD Form 108 contains a summary of creditable service for the Marine's verification. Should an eligible Marine not receive the form within the above timeframe, notify the CMC (MMSR-5). Marines must submit a DD Form 2656 to DFAS. Marines must also sign the DD Form 108 and return it to the CMC (MMSR-5) at least three months prior to their date eligible for retired pay.

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that he was retired from the U.S. Marine Corps Reserve on 1 March 2021. However, the retirement date of 1 February 2021 was erroneously ran in the Marine Corp Total Force System, which affected Petitioner's retirement points, retirement pay, and time in service.

RECOMMENDATION

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

Petitioner was transferred to the Retired Reserve, without pay, effective 1 March 2021 vice 1 February 2021. Note: That any other entries affected by the Board's recommendation be corrected. Furthermore, Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances for the month of February.

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.

2/8/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]