



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

[REDACTED]  
Docket No. 1377-23  
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 CH 2, 26 Nov 13/15 Feb 19

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 authorized transfer to the Retired Reserve Awaiting Pay at Age 60 on 1 January 2023.

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 March 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 16 January 1984, Petitioner enlisted in the U.S. Marine Corps for 8 years with an Expiration of Obligated Service of 15 January 1990.

b. Petitioner was released from initial tour of active duty for training with an entry level separation character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 31 May 1984 to 28 August 1984 upon completion of required active service (USMCR) IADT.

c. On 11 October 2001 the Commandant of the Marine Corps (CMC) notified Officer in Charge, Prior Service Recruiting Region 1 that the request contained in [REDACTED] letter 1100 Region 1 of 14 June 2001 for reenlistment into the Marine Corps Reserve is approved for a period of 1 year, provided the individual meets the height and weight requirements or is

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"within the body fat standards" prescribed by MCO 6100.10B (with change 3 - ALMAR 326/97) and is physically qualified. Ensure the enlistment contract is completed as instructed by MCO P1070.12H. This approval is valid for 6 months from the date of this letter. Upon reenlistment, appoint to the grade of Lance Corporal with a date of rank same as date of reenlistment, citing this letter as authority.

d. On 9 January 2015, Petitioner reenlisted for 4 years with a Reserve End of Current Contract (ECC) of 8 January 2019.

e. On 31 May 2018, Petitioner signed an agreement to extend for 4 months with a Reserve ECC of 8 May 2019 in order to have sufficient contractual time to join 88608.

f. On 6 September 2018, Petitioner signed an agreement to extend for 29 months with a Reserve ECC of 8 October 2021 in order to have sufficient obligated service for promotion.

g. On 1 December 2018, Petitioner was promoted to Master Sergeant/E-8.

h. On 15 January 2019 the CMC notified Petitioner that per MCO 1900.16 (MARCORSEPMAN) and 10 U.S.C. section 12731, a review of his record indicates that Petitioner is eligible to receive Reserve Retired Pay at age 60, and make an election under the Reserve Component Survivor Benefit Plan (RCSBP). Marines in the Active Reserve are also eligible to participate in the RCSBP. This notification is not transferring Petitioner to a retired status. Petitioner must request a retirement status in accordance with paragraph 3016 of MCO 1900. 16. 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.

i. On 25 April 2019 the CMC notified Petitioner that On 22 January 2019, they sent Petitioner his Notification of Entitlement to Retired Pay at Age 60 and Eligibility to Participate in the RCSBP. As of 22 January 2019, they had not received a response from Petitioner; therefore, Petitioner had been enrolled into Option C.

j. On 14 July 2020, Petitioner signed an agreement to extend for 15 months with a Reserve ECC of 8 January 2023 to order to obligate service for transfer of education benefits.

k. On 17 August 2021, Petitioner was joined in the Individual Mobilization Augmentee Inactive Duty Training.

l. On 14 April 2022, Petitioner's Reserve Reenlistment Extension Lateral Move request was recommended approval by Division Chief.

m. On 8 January 2023, in accordance with the Marine Corps Total Force System Petitioner was discharged with 24 years of qualifying/satisfactory service.

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

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## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)<sup>1</sup> and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was unable to submit a request to transfer to the retired reserve prior to dropping off contract; however, the Board determined that Petitioner had 24 years of qualifying service and Petitioner's failure to request transfer should not prevent his placement in the Retired Reserve awaiting Pay at Age 60.

## RECOMMENDATION

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

The record of discharge from the U.S. Marine Corps Reserve effective 8 January 2023, is rescinded.

Petitioner was transferred to the retired reserve, without pay, effective 1 January 2023.

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.

3/13/2023

[REDACTED]  
Deputy Director

Signed by: [REDACTED]

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<sup>1</sup> 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 CMC (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 Defense Finance and Accounting Service (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.