



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

██████████  
Docket No. 5883-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER ██████████  
XXX XX ██████████ USMCR

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO P1900.16E, 19 Aug 95  
(c) Title 10 U.S.C. § 12731

Encl: (1) DD Form 149 w/attachments  
(2) Advisory opinion by HQMC MMSR-5, 8 Aug 23  
(3) 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 transferred to the Retired Reserve in order to apply for and receive a military retired identification card.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 5 October 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 20 February 1980, Petitioner enlisted for 6 years in the U.S. Marine Corps Reserve with an expiration of obligated service of 19 February 1986.

b. Petitioner was released from initial tour of Active Duty for Training with an honorable character of service and was issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 23 April 1980 to 16 September 1980 upon expiration of reserve special enlistment program.

c. On 1 January 1997, Petitioner was promoted to Master Sergeant/E-8 and reenlisted on 17 August 1997 for 6 years with a Reserve expiration of current contract of 16 August 2003.

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d. On 16 August 2003, Petitioner was honorably discharged. Petitioner's total qualifying years was 23—total retirement points of 4,263.

e. On 10 March 2021, Commandant of the Marine Corps notified Petitioner that he was entitled to receive reserve retired pay effective 23 July 2021. The law requires that Petitioner apply for retired pay. Accordingly, enclosure (1) contains an Application for Retired Pay (DD Form 108) to facilitate his request. Once the application for retired pay is processed by this Headquarters, Petitioner and eligible family members may obtain an Armed Forces of the United States Identification Card no earlier than Petitioner's sixtieth birthday or on the date that he is first eligible for retired pay. To obtain the identification cards Petitioner needs a copy of the orders issued by this Headquarters transferring him to the retired list with pay and two forms of photo identification.

f. On [REDACTED], Petitioner turned 60 years old.

g. The Defense Finance and Accounting Service (DFAS) HUNT system shows Petitioner's service entry date is 20 February 1980, retirement date is 23 July 2021, and Pay Entry Base Date is 20 February 1980. Petitioner's service base pay is 23 years, 5 months, and 26 days.

h. 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 Petitioner was involuntarily separated on 16 August 2003 at the expiration of his reserve contract with 23 years of qualifying service in the Marine Corps Reserve. Although Petitioner did not submit a request to be transferred to the Retired Reserve he met the criteria for a reserve retirement and should be transferred to the Retired Reserve effective 1 August 2003.

## 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 16 August 2003 is rescinded.

Petitioner was transferred to the Retired Reserve, without pay, effective 1 August 2003.

Note: That any other entries affected by the Board's recommendation be corrected. Furthermore, DFAS will complete an audit of Petitioner's records to determine if Petitioner is being paid correctly.

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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.

10/14/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]