



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

[REDACTED]
Docket No. 6291-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16 CH 2 of 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 transferred to the Retired Reserve awaiting pay at age 60.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 August 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 29 March 1996, Petitioner enlisted in the U.S. Marine Corps Reserve for 8 years.
- b. On 11 March 2016, Commandant of the Marine Corps notified Petitioner of entitlement to retired pay at age 60 and eligibility to participate in the reserve component survivor benefit plan.
- c. On 11 November 2019, Petitioner reenlisted for 3 years with a Reserve End of Current Contract (ECC) of 10 November 2022 and End of Active Service of 10 February 2023.
- d. On 1 December 2019, Petitioner was promoted to Sergeant Major/E-9.
- e. Petitioner's Career Retirement Credit Report current as of 16 July 2023 shows Petitioner earned 26 years of qualifying years of service with a total points credit of 5,651.
- f. On 11 November 2037, Petitioner will turn 60.

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.

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[REDACTED]

The Board concluded that Petitioner exceeded the required 20 years of qualifying years towards a reserve retirement in accordance with reference (b),¹ however, Petitioner did not submit a request to transfer to the Retired Reserve awaiting pay at age 60 prior to his discharge on 1 April 2023. The Board determined that although Petitioner failed to submit a request in a timely manner, Petitioner had completed 26 years of qualifying service and should be allowed to transfer to the Retired Reserve.

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 1 April 2023, is rescinded.

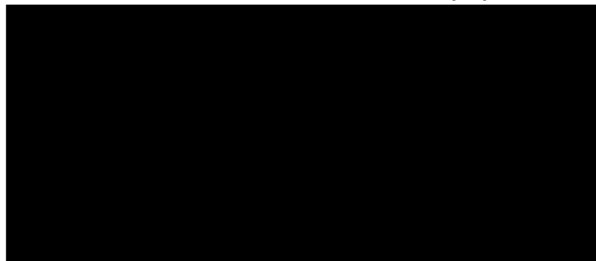
Petitioner transferred to the Retired Reserve, without pay, effective 31 January 2023.

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.

8/17/2023



¹ Reference (b), enlisted Marines must be serving within the unexpired term of an enlistment contract or on a valid extension to the enlistment contract on the effective date of transfer to the Retired Reserve. Discharge by reason of expiration of enlistment effected before transfer to the Retired Reserve separates a Marine from the Marine Corps Reserve. Discharged Marines must petition this Board to request transfer to the Retired Reserve awaiting pay at age 60. Former Marines are not entitled to transfer to the Retired Reserve or any retirement benefits except as may be provided by law. A Reservist who completes 20 qualifying years of service (not necessarily continuous) is eligible, upon application, to transfer to the Retired Reserve list and to receive retired pay and benefits per the following: a. Under the provisions of reference (I) NDAA 2005, a Reservist who completes 20 years of qualifying service on or after 25 April 2005 no longer needs to have the last six years in a Reserve component. The Marine must not be entitled to retired pay from an Armed Force under any provision of law besides reference (c) Title 10 U.S.C. Section 12731. Application for transfer to the Retired Reserve awaiting pay at age 60. Requests for voluntary retirement by Selected Marine Corps Reserve and Individual Mobilization Augmentee affiliated Marines will be submitted by the reporting command via the Unit Diary Marine Integrated Personnel System per MCTFS PRIUM (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. Additionally, 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.