



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

█  
Docket No. 7829-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █  
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Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1900.16 CH 2, 15 Feb 19  
(c) Title 10 U.S.C. § 12731

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 remove the separation date of 2 November 2020 and be transferred to the retired Reserve awaiting pay at age 60 effective 1 November 2020.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 3 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 11 March 1992, Petitioner enlisted in the U.S. Marine Corps Reserve for 8 years with an expiration of obligated service of 10 March 2000.

b. Petitioner was released from active duty and transferred to the Marine Corps Reserve 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 19 May 1992 to 4 November 2000 upon completion of required active service.

c. On 4 November 2002, Petitioner was honorably discharged from the U.S. Marine Corps Reserve.

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d. On 15 March 2009, Petitioner reenlisted in the U.S. Marine Corps Reserve for 3 years with a Reserve end of current contract of 14 March 2012.

e. On 1 December 2017, Petitioner was promoted to Master Sergeant/E-8.

f. On 20 April 2020, Petitioner submitted a request to transfer to the retired Reserve awaiting pay at age 60 to Commandant of the Marine Corps (CMC) (MMSR-5) with an effective date of 1 September 2020. Petitioner's request was certified by endorsing official on 22 April 2020.

g. On 11 August 2020, CMC notified Petitioner that per MCO 1900.16 and 10 U.S.C section 12731 a review of Petitioner's record indicates that he was eligible to receive Reserve retired pay at age 60 and to make an election under the Reserve Component Survivor Benefit Plan (RCSBP). Marines in the active Reserve are also eligible to participate in the RCSBP. If for some reason an Active Reserve Marine does not complete 20 years of active duty for retirement their dependents would have protection. When an active Reserve Marine retires from active duty, the RCSBP election will be void, and they will be allowed to make a new Survivor Benefit Plan election just as any other retiring member.

h. On 2 November 2020, Petitioner was discharged upon completing required active service with 20 years, 5 months, and 18 days of total qualifying service.

i. On 9 June 2033, Petitioner will turn age 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. The Board concluded that on 20 April 2020 Petitioner submitted a request to transfer to the retired Reserve and it was endorsed by cognizant authority. Petitioner received his notification of entitlement to retired pay at age 60 and eligibility to participate in the RCSBP on 11 August 2020 stating that he was eligible to receive Reserve retired pay at age 60. However, Petitioner was discharged upon completing required active service without Headquarters, U.S. Marine Corps taking action on his request to transfer to the retired Reserve. Petitioner completed over 20 years of total qualifying service, therefore the Board determined that he is entitled to transfer to 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 2 November 2020 is rescinded.

Petitioner was transferred to the retired Reserve without pay effective 1 November 2020.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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[REDACTED]

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.

10/6/2023

