



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

██████████  
Docket No. 9417-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████  
XXX XX ██████████ USMC (RET)

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO P1900.16F  
(c) MARADMIN 630/22

Encl: (1) DD Form 149 w/attachments  
(2) Advisory Opinion by HQMC MMSR-4, 14 Nov 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 retire under the Temporary Early Retirement Authority (TERA) with time-in-grade (TIG) waiver vice transfer to the Permanent Disability Retired List (PDRL).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 21 November 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

- a. On 1 August 2022, Petitioner promoted to Gunnery Sergeant (GySgt)/E-7.
- b. On 30 April 2023, Petitioner found unfit by the Physical Evaluation Board (PEB) with a 70% disability rating.
- c. On 21 June 2023, Petitioner signed a request to waive his PEB findings.
- d. On 26 July 2023, Petitioner submitted NAVMC 10274, Administrative Action requesting for TERA effective 30 August 2023; the request was favorably endorsed and recommended approval of TERA and TIG waiver by Commanding Officer, ██████████,

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Commanding Officer, [REDACTED]  
[REDACTED]

e. On 30 August 2023, Petitioner resubmitted NAVMC 10274, Administrative Action requesting for TERA and a TIG waiver effective 31 October 2023. The Commanding Officer, [REDACTED] favorably endorsed Petitioner's request and recommended approval of TERA and TIG waiver. Petitioner transferred to the PDRL. Subsequent to Petitioner retiring, Commanding Officer, [REDACTED] favorably endorsed Petitioner's request and recommended approval of TERA and TIG waiver.

f. 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 concluded that Petitioner met the eligibility criteria to submit for TERA in accordance with reference (c).<sup>1</sup> Petitioner submitted his initial request for TERA in a timely manner and received favorable endorsements. However, because of administrative oversight the request needed to be resubmitted to include request for TIG. The request for TERA and TIG waiver was favorably endorsed, but after Petitioner's transfer to the PDRL. Therefore, the Board agreed that under these circumstances, relief is warranted.

## RECOMMENDATION

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

Petitioner's NAVMC 10274, Administrative Action request for TERA and TIG waiver was received and approved by cognizant authority prior to 30 August 2023.

Petitioner retired under "TERA" with TIG waiver for GySgt/E-7 vice transfer to the "PDRL" on 30 August 2023. Note: Headquarters U.S. Marine Corps is authorized to correct any other entries affected by the Board's recommendation.

Note: Headquarters, U.S. Marine Corps will issue a DD Form 215 or a new DD Form 214, whichever one they deem appropriate, that reflects the Board's corrective action.

A copy of this report of proceedings will be filed in Petitioner's naval record.

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<sup>1</sup> Reference (c), outlines the requirements to be considered for TERA. One of the criterion includes TERA in injunction with waiving PEB findings. "Marines found unfit by the PEB must have 15 but fewer than 20 years of active service and be willing to waive the PEB findings and proceedings in order to apply for TERA. PEB findings must be "unfit" in order to be considered for TERA. Marines can apply for TERA after accepting their "unfit" findings."

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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.

11/29/2023

