



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

██████████
Docket No. 125-24
Ref: Signature Date

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

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

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 show he was transferred to the Marine Corps retired Reserve awaiting pay at age 60 vice discharged.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 12 March 2024 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 31 May 2000, Petitioner enlisted in the U.S. Marine Corps Reserve for 8 years with an Expiration of Obligated Service of 30 May 2008. Petitioner's date of birth is 23 October 1981.

b. Petitioner was released from active duty and transferred to the Marine Corps Reserve with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 6 June 2000 to 5 June 2004 upon completion of required active service.

c. On 1 March 2021, Petitioner was promoted to First Sergeant/E-8.

d. On 26 November 2008, Petitioner reenlisted for 1 year with a Reserve End of Current Contract (ECC) of 25 November 2009.

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e. On 27 September 2019, Petitioner reenlisted for 4 years with a Reserve ECC of 26 September 2023.

f. On 1 March 2023, Commandant of the Marine Corps notified Petitioner that, “[p]er MCO 1900.16 and 10 U.S.C. 12731, a review of your record indicates that you are eligible to receive Reserve Retired Pay at age 60 and make an election under the Reserve Component Survivor Benefit Plan (RCSBP)” and that, “[t]his notification is not transferring you to a retired status. You must request a retirement status in accordance with paragraph 3016 of MCO 1900.16. For Enlisted Marines, failure to request retirement will result in your separation from the Marine Corps at the expiration of your contract if not extended. Should your contract expire, and you become separated, this notification will entitle you to retired pay at age 60 as a former member. This status will reduce the value of your retired pay, as your pay will be calculated on the pay tables in effect at the time of your discharge vice the pay tables in effect on your sixtieth birthday had you transferred to a retired status. The enclosure is provided for your information and retention.”

g. On 26 September 2023, Petitioner was discharged at his ECC with 20 years, 2 months, and 1 day of total qualifying service.

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 1 March 2023, Commandant of the Marine Corps notified Petitioner that he was eligible to receive Reserve Retired Pay at age 60 and to make an election under the RCSBP, however Petitioner failed to submit a request for retirement prior the end of his contract and Petitioner was discharged. The Board determined that Petitioner met the minimum of 20 qualifying years of service towards a reserve retirement and deserves to be retired.

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 26 September 2023, is rescinded.

Petitioner was transferred to the Retired Reserve, without pay, effective 1 September 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

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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.

3/15/2024

