



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 799-99
18 August 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) HQMC Memo MMSR-6 of 30 Jul 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the United States Marine Corps Reserve filed enclosure (1) with this Board requesting that eight retirement points be transferred from one anniversary year to another.
2. The Board, consisting of Mr. Pfeiffer, Mr. Tew and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 17 August 1999 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, naval records, 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, finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Enclosure (1) was filed in a timely manner.
 - c. Attached to enclosure (1) is a letter from the Marine Corps Reserve Support Center (MCRSC) which states that Petitioner's anniversary date was incorrectly established upon his assignment to the Selected Marine Corps Reserve (SMCR) in 1995. He earned a qualifying year for retirement in the 1996-97 anniversary year. When the error was corrected, some of the retirement points were shifted to the 1997-98 anniversary year. Now in the 1996-97 anniversary year, he has been credited with 42 retirement points, and in the next anniversary he has been credited with 69 retirement points. Fifty requirement points are required for a qualifying year for retirement purposes. MCRSC

recommends that excess points be moved into the anniversary year ending 10 June 1997 to make that year qualifying for retirement.

d. Attached at enclosure (2) is an advisory opinion from Headquarters Marine Corps which also recommends that Petitioner's request to move retirement points be approved.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board agrees with the recommendation of MCRSC and the advisory opinion from HQMC. Therefore, Petitioner's records should be corrected by moving eight retirement points to the anniversary year ending 10 June 1998 to the anniversary year ending 10 June 1997. With this change Petitioner will have 50 retirement points and a qualifying year for retirement.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by moving eight retirement points from the anniversary year ending 10 June 1998 to the anniversary year ending 10 June 1997.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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.

ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director