



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

TRG

Docket No: 3756-01
27 September 2001

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

Subj: REVIEW OF NAVAL RECORD [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Marine Corps Reserve filed enclosure (1) with this Board requesting that his record be corrected to show that he has no break in service.

2. The Board, consisting of Mr. Harrison, Mr. Rothlein and Mr. Geisler, reviewed Petitioner's allegations of error and injustice on 25 September 2001 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. Petitioner initially enlisted in the Marine Corps Reserve on 17 June 1991 and incurred an eight year military obligation from that date. He then enlisted in the Regular Marine Corps on 2 June 1992 for four years. He was released from active duty on 1 June 1996 with his service characterized as honorable.

d. The DD Form 214 issued on Petitioner's release from active duty erroneously shows a termination date of his reserve obligation as 1 June 2000, which is eight years from his enlistment in the Regular Marine Corps. As indicated, it should be eight years from his initial enlistment in the Marine Corps

Reserve on 17 June 1991.

e. Acting on the erroneous date for the end of his military obligation, Petitioner continued to drill after 16 June 1999. On 17 June 2000 and 17 November 2000 he extended the enlistment, which had expired a year previously, for periods totaling 17 months. The Career Retirement Credit Report (CRCR) shows that he was credited with 77 and 75 retirement points in the anniversary years ending 16 June 2000 and 16 June 2001, even though he had no military status after 16 June 1999.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since an error has occurred, the Board concludes that the record should be corrected to show that Petitioner was not discharged on 16 June 1999, but extended his enlistment, effective 17 June 1999, for a period of 12 months. The two subsequent extensions should be renumbered accordingly.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand that there is no break in service.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 16 June 1999, but executed a 12 month extension of his enlistment which became effective on 17 June 1999. The two subsequent extensions should be renumbered.

b. That this Report of Proceedings be filed in Petitioner's naval record.

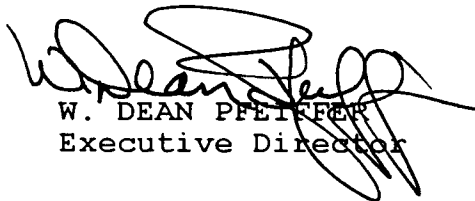
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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