



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

TRG
Docket No: 7075-01
23 October 2001

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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps Reserve, filed an application with this Board requesting that his record be corrected to show that he does not have a break in service.

2. The Board, consisting of Mr. Kastner, Mr. McPartlin and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 16 October 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. Petitioner's application was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps on 28 August 1981 and served on active duty for 7 years, 9 months and 27 days. The Career Retirement Credit Report (CRCR) shows that Petitioner was discharged from active duty on 20 June 1989 and reenlisted in the Marine Corps Reserve on 20 November 1989. The CRCR appears to be in error because the enlistment contract in the record shows that he enlisted in the Marine Corps Reserve on 17 October 1989, vice 20 November 1989, for a period of one year.

d. After his enlistment in the Marine Corps Reserve he has earned 12 consecutive qualifying years for reserve retirement. The CRCR shows that at the end of his anniversary year on 19 November 2001 he will be credited with over 19 years of qualifying service. Because of the break in service, he has only

been credited with a partial anniversary year of 9 months and 27 days in 1989.

e. At enclosure (1) is an advisory opinion from Headquarters Marine Corps that states, in effect, that it is probable that Petitioner actually enlisted in the Marine Corps Reserve on 21 June 1989 instead of 17 October 1989 or any other date. It is recommended that Petitioner be reenlisted for a period of one year to cover the gap in the record, and that the CRCR be corrected to show that he has no break in service.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes his excellent record and 12 consecutive qualifying years for reserve retirement. Therefore, the Board agrees with the recommendation contained in the advisory opinion and concludes that the gap in the record should be closed. The Board believes that the best way to correct the record is by changing the one year enlistment contract of 17 October 1989 to a two year enlistment beginning on 21 June 1989. The starting date of all subsequent reenlistments should remain unchanged.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the changes in the enlistment contract.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the one year enlistment of 17 October 1989 to show that he enlisted on 21 June 1989 for two years.

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