



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

TRG
Docket No: 7251-01
29 November 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, a former enlisted member of the Marine Corps Reserve filed enclosure (1) with this Board requesting that his record be corrected to show an additional qualifying year for reserve retirement.

2. The Board, consisting of Mr. Mackey, Mr. Cooper and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 27 November 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. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps Reserve on 2 December 1977 for three years and subsequently earned two qualifying years for reserve retirement. In the next anniversary year, ending on 1 December 1980, she was promoted to CPL and has been credited with 14 active duty points, 14 drills and 15 membership points for a total of 41 retirement points. She was honorably discharged on 1 December 1980.

d. Petitioner reenlisted in the Marine Corps Reserve on 2 December 1980. In January 1981, she was assigned proficiency and

conduct marks of 4.9 for the period 1 January 1980 to 31 December 1980. In 1982 she transferred to the individual ready reserve (IRR) and then spent several years in the Peace Corps. She rejoined a unit in 1983 and earned several more qualifying years and was promoted to SGT (E-5). She was honorably discharged on 20 April 1986 because she had entered a reserve officer training program, and is currently serving as a major in the USAR.

e. Petitioner contends in her application that she actually performed additional drills in the anniversary year ending 1 December 1980. She points out that she performed 14 days annual training, was promoted to CPL and was assigned 4.9 marks in conduct and proficiency, and none of these things would have occurred if she was not attending drills.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Since Petitioner was promoted and was assigned excellent marks in conduct and proficiency, it appears that she probably attended drills during the year at issue which have not been credited. Therefore, the Board concludes that she should be credited with nine nonpay retirement points to raise the total to 50 in the anniversary year ending 1 December 1980. Nine nonpay drills are appropriate because obtaining a qualifying year is the main issue in this case. Further, she would have been paid for any drills she performed at the time.

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 change in her retirement point record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by crediting her with nine nonpay drills in the anniversary year ending on 1 December 1980.

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.



For W. DEAN PFEIFFER
Executive Director