



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

TRG
Docket No: 2310-03
6 May 2003

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 commissioned officer in the Marine Corps Reserve, filed an application with this Board requesting that his record be corrected to show that the anniversary year ending 27 February 1997 is qualifying for reserve retirement.

2. The Board, consisting of Mr. Harrison, Mr. Frankfurt and Mr. Nicholson, reviewed Petitioner's allegations of error and ~~injustice on 29 April 2003 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. During the period from 28 February 1986 through 27 February 1996, Petitioner earned 10 consecutive qualifying years for reserve retirement. In the last year, he completed an extended period of active duty and subsequently transferred to the Individual Ready Reserve (IRR). He affiliated with a reserve unit late in the next anniversary year but has only been credited with 49 of the 50 retirement points need for a qualifying year. Five of the next six anniversary years are qualifying for retirement. Therefore, at the end of his anniversary year on 27 February 2003, he has been credited with 15 years of qualifying

service.

d. Petitioner states in his application that he actually earned 50 points but the additional point was not credited due to administrative error. In support of his request, he has submitted a letter from the battalion commander (who was commanding officer of a company at the time) who recommends that Petitioner's be credited with one additional retirement point. The letter states that Petitioner spent part of the 1996/1997 anniversary year in the IRR so he could attend a police academy, and he was authorized sufficient additional drills upon his return to a drilling status so that he could earn a qualifying year. However, due to an administrative oversight one of the additional drills was not credited. The two fitness reports covering the anniversary year at issue show that Petitioner performed in an outstanding manner.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Given the recommendation of the battalion commander and Petitioner's record at that time of 10 consecutive qualifying years, the Board concludes that favorable action is warranted. Therefore, Petitioner should be credited with one nonpay drill in the anniversary year ending 27 February 1997.

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 the number of qualifying years.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was credited with one nonpay drill in the anniversary year ending 27 February 1997.

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

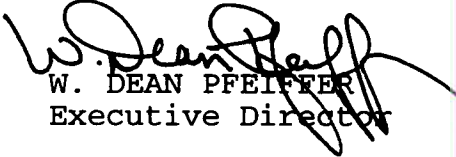
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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