



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

TRG
Docket No: 5507-03
9 September 2003

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 September 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The record shows that you were first commissioned in the Marine Corps Reserve on 23 December 1983 and entered active duty on 9 January 1990. Subsequently, you were commissioned in the Regular Marine Corps. You were honorably discharged on 1 November 1995 after almost 12 years of active duty.

On 2 November 1995 you were commissioned in the Marine Corps Reserve. Subsequently, you were promoted to Major (MAJ; O-4). A career retirement credit report (CRCR) shows that with the crediting of partial active duty years, you had 14 qualifying years for reserve retirement as of 18 May 1997, the end of the anniversary following your discharge from active duty. In the six anniversary years beginning on 19 May 1997 and ending on 18 May 2003, you have been credited with four additional qualifying years. In the anniversary year ending on 18 May 1998, you have only been credited with 15 membership points. In the anniversary year ending 18 May 2000, you have been credited with 49 of the 50 points required for a qualifying year. Therefore, at the end of the anniversary year on 18 May 2003 you were credited with 18 years of qualifying service for reserve retirement.

You are requesting, in effect, that one retirement point be moved from an anniversary year with more than 50 retirement points into the year in which you were credited with 49 points. You contend that you thought that you had until the end of May to earn 50 retirement points and were surprised when you learned that the anniversary year ended on 18 May.

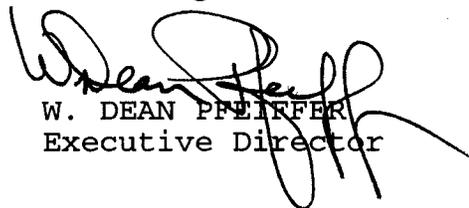
The Board has confirmed that you have been placed in the "Safety Zone" to earn 20 qualifying years and retirement. It is mandatory that you be retired or discharged on 1 June 2005.

The Board noted that there are many individuals in the reserve component that have missed qualifying years by a few points who have had to serve additional years in order to qualify for retirement. Since you can remain a member of the Marine Corps Reserve until 1 June 2005, you are in a position to earn two additional qualifying years and retire. Further, you have not provided any compelling reason why the Board should grant the relief you seek. If you are unable two to qualifying years by June of 2005 you may reapply to this Board. Accordingly, the Board concluded that a correction to your record is not warranted at this time.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director