



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

BJG  
Docket No: 13282-09  
17 September 2010

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 12 Dec 09 w/attachs  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that he be tendered a Marine Corps Reserve commission effective 16 February 2009, and that he be promoted to captain, pay grade O-3. His request to be promoted was not considered because this relief, if warranted, may be administratively implemented by the Headquarters Marine Corps Promotion Branch (MMPR-1) after he receives his reserve commission.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 14 September 2010, 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 which were available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner served on active duty in the Marine Corps from 6 June 2004 until 15 February 2009, when he was honorably discharged as a first lieutenant, pay grade O-2. He should have been tendered a Marine Corps Reserve commission effective 16 February 2009. He has a reserve commitment until 18 June 2013.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds an error warranting relief. In light of Petitioner's commitment in the Marine Corps Reserve until 18 June 2013, the Board finds that he should have been tendered a reserve commission effective 16 February 2009, the day after he was discharged from active duty. In view of the above, the Board recommends the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by tendering him a Marine Corps Reserve commission effective 16 February 2009.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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

  
BRIAN J. GEORGE  
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.

  
W. DEAN PFEIFFER

Reviewed and approved:

 10/1/10

**ROBERT L. WOODS**  
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