



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

BJG
Docket No: 6326-11
22 August 2011

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 3 Jun 11 w/attachment
(2) CO, MCAS, Kaneohe Bay ltr dtd 18 Jul 11
(3) HQMC RCT memo dtd 26 Jul 11
(4) Subj'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 his naval record be corrected to show he was discharged from the Marine Corps Reserve on 28 October 2009, pursuant to resignation of his commission, and reinstated on 1 February 2008.

2. The Board, consisting of Messrs. W. Hicks, Spooner and Swarens, reviewed allegations of error and injustice on 18 August 2011, and pursuant to its regulations, determined that the limited 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 (2) is a statement in support of Petitioner's request.

c. In enclosure (3), the Headquarters Marine Corps office with cognizance over the subject matter of this case commented to the effect the request has merit and warrants relief, but recommended that the discharge date be 28 March 2001, one year after Petitioner was placed on the Inactive Status List (ISL). That office concluded that this is the date Petitioner should have been discharged, rather than being left on the ISL from 27 March 2000 until his transfer to the Individual Ready Reserve on 1 February 2008.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (3), the Board finds the existence of an error and injustice warranting the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show he was discharged from the Marine Corps Reserve on 1 March 2001 pursuant to his resignation of his commission.

b. That his record be corrected further to show he was reinstated in the Marine Corps Reserve on 1 February 2008 in the grade of major, with a date of rank of 1 July 1996, the same date of rank he held when he resigned his commission.

c. That his anniversary date and pay entry base date be adjusted accordingly.

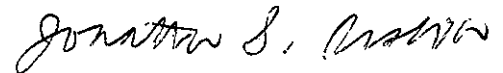
d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

e. 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.

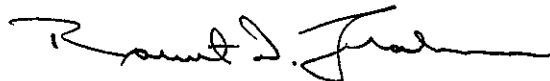
f. That the remainder of Petitioner's request be denied.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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


JONATHAN S. RUSKIN
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