



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 2475-24
Ref: Signature Date

████████████████████
████████████████
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Dear ██████████

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 27 August 2024. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Headquarters, U.S. Marine Corps letter 1000 MMPB-21 of 29 March 2024, which was previously provided to you for comment.

On 26 May 1982, you signed a United States Marine Corps Appointment Acceptance and Record (NAVMC 763) in the U.S. Marine Corps as a Second Lieutenant under the NAVACA 82 program.

On 1 July 1992, you signed a United States Marine Corps Appointment Acceptance and Record (NAVMC 763) in the U.S. Marine Corps as a Captain under the RESREG program.

In accordance with Marine Corps Order P1900.16D, published on 27 June 1989, the DD Form 214 [Certificate of Release or Discharge from Active Duty] is a multicopy standard form designed to provide: a. The Marine Corps and other divisions/departments within the Department of Defense (DoD) with a source of information relating to a Marine or former Marine, for administrative purposes and determining eligibility for enlistment/reenlistment or for appointment/reappointment. b. The recipients with a brief, clear-cut record of their term of active duty with the Marine Corps at the time of transfer, release or discharge, and changes in

status or component while remaining on active duty. c. Appropriate governmental agencies with an authoritative source of information which is required in the administration of Federal and State laws applying to Marines who have been discharged, otherwise released, or transferred to a Reserve component of the Marine Corps.

Prepare and physically deliver a OD Form 214 to Marines upon: a. Release from Active Service. Except as provided in paragraph 1202.3, a DD Form 214 will be furnished to each Marine at the time of separation from a period of active duty. b. Release from a Period of Active Duty for Training of 90 Days or More. Personnel being separated for physical disability, those serving on an initial or subsequent period of active duty under the Reserve Incremental Initial Active Duty for Training Program and those serving in the Reserve Full-Time Support Program will be furnished a DD Form 214 regardless of the length of time actually served on active duty.

You were discharged with an honorable character of service and were issued a DD Form 214 for the period of 26 May 1982 to 31 July 1992 due to Intradepartmental Transfer (██████████
██████████)

In accordance with DoD Financial Management Regulation (DoDFMR), Volume 7A, Chapter 1, when a member currently serving as an officer has had service as a cadet or midshipman in any of the military academies to which appointed after June 1956 and member held no concurrent enlisted and/or Reserve status, the period involved is not creditable.

On 1 June 2001, Commandant of the Marine Corps notified you that, “[o]ur records reflect that you were not on the selection roster for the Fiscal Year 2002 Reserve Lieutenant Colonel Promotion Board approved by the President on 8 June 2001, which constituted your second failure of selection. The Marine Corps Total Force System (MCTFS) reflects that you were commissioned a second lieutenant on 26 May 1982. Accordingly, you will complete 20 years of commissioned service on 25 May 1982. Therefore, you must be separated no later than 1 June 2002 under the current law.

On 25 May 2001, your last full anniversary year, your Career Retirement Credit Record indicates that you were credited with 15 years of qualifying service. If you earn 50 points by 25 May 2002 and the Marine Corps Reserve is still authorizing the continuation of Reserve Majors in Fiscal Year 2003 you would be eligible to be continued until you become retirement eligible, reach age 60 or complete 24 years of commissioned service. You may request resignation in lieu of being involuntarily separated. In order to request resignation, you must submit a request in writing to your parent command or to this Headquarters (Attn: MMSR-5). The effective date that you select must be no later than 1 June 2002. For your convenience, we have enclosed an Election of Option Form. Omission of a request will result in your involuntary separation (discharge) from the Marine Corps Reserve on 1 June 2002.”

Annual Retirement Credit Record, produced on 30 June 2001 with an anniversary date of 26 May 2002 listed 15 years of total qualifying service.

On 30 August 2024, the Defense Manpower Data Center, shows that you held the rank of Major effective 1 July 1994 while in the Marine Corps Reserve under "Past Personnel Info."

You requested a correction/update to the Defense Enrollment Eligibility Reporting System (DEERS) and correction to your DD Form 214 ending on 31 July 1992 or the issuance of a separate DD Form 214 to show your service in the Marine Corps Reserve and to include time served in the United States Naval Academy. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that DEERS shows your rank as Captain/O-3, however you were promoted to Major/O4 on 1 July 1994. The Board determined that it has no authority to correct or update DEERS and noted that the Defense Manpower Data Center lists that you held the rank of Major in the Marine Corps Reserve with a date of rank is 1 July 1994. Additionally, the Board concluded that the DD Form 214 is only issued to document *active service*, however it may include total prior inactive service listed in block 12d. Your DD Form 214 lists no prior inactive service because at the time it was issued, you had performed no inactive service, therefore your DD Form 214 is correct as issued. Furthermore, because the DD Form 214 is used to document *active service*, the issuance of a separate DD Form 214 to document your subsequent Marine Corps Reserve service is not authorized. Regarding the time you served in the Naval Academy, in accordance with DoDFMR, the time you spent as a midshipman is not creditable, therefore it is not included in the calculation of years of active service. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion. You assert that your official records seem to be missing or in error related to your time in the Reserves and that would also explain why you are not a retired Lieutenant Colonel, even with outstanding fitness reports. However, the Board determined that you were notified in 2001 that due to you being twice passed over for promotion to Lieutenant Colonel, you would be discharged on 1 June 2002 upon reaching 20 years of commissioned service. At the time of discharge, although you had 20 years of commissioned service, you completed only 15 years of qualifying service. The Board found no error or injustice to warrant a change to your record. It is recommended that you contact Headquarters, United States Marine Corps (MMPB-21) to obtain a statement of service. You can contact MMPB-21 by e-mail at smb.manpower.mmrp-20@usmc.mil.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

9/3/2024

