



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

██████████
Docket No. 3022-24
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 2 July 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.

On 18 April 1963, you enlisted in the U.S. Marine Corps Reserve for 6 years. You were discharged with an honorable character of service and were issued a Armed Forces of the U.S. Report of Transfer or Discharge (DD Form 214) for the period of 27 June 1963 to 7 October 1966 upon expiration of enlistment. You were then discharged with an honorable character of service and were issued a DD Form 214 for the period of 8 October 1966 to 23 March 1967 in order to accept commission in the U.S. Marine Corps Reserve.

On 27 May 1968, you signed a United States Marine Corps Appointment Acceptance and Record in the U.S. Marine Corps as a temporary First Lieutenant under the AUGBCO program.

On 17 July 1981, Commandant of the Marine Corps notified you via Commanding General, Marine Corps Development and Education Command, Quantico that, “[y]our request for resignation, tendered by reference (a) [Your UD Request], is accepted and conditioned upon your acceptance of a commission in the Marine Corps Reserve.

Effective 2400 on 1 September 1981 you will be discharged from active duty and assigned to inactive duty in the Marine Corps Reserve. You will be detached from your present station by your Commanding Officer.”

You were discharged with an honorable character of service and were issued a DD Form 214 for the period of 27 May 1968 to 1 September 1981 due to resignation.

On 8 January 1982, Director notified you that, “[r]ecord at this Center indicate that you do not have a current USMCR Appointment Acceptance and Record. If you desire to accept a reserve commission you must request in writing to Headquarters, Marine Corps (Code MRRO-5) that a duplicate NAVMC 763 be prepared and forwarded to you at your current address.”

“It is requested that you notify this center by 8 February 1982 in regard to his matter.”

On 20 January 1982, Commanding Officer notified Commandant of the Marine Corps (Code MMSR-3) that, “[you were] discharged from U.S. Marine Corps effective 1 September 1981. At time of discharge, [you] indicated he did not desire to accept a Reserve Commission.”

In accordance with 10 U.S.C. section 6223 (Officers: 20 years), (a)(1) An officer of the Navy or the Marine Corps who applies for retirement after completing more than 20 years of active service, of which at least 10 years was service as a commissioned officer, may, in the discretion of the President, be retired on the first day of any month designated by the President. (2) The Secretary of Defense may authorize the Secretary of the Navy, during the nine-year period beginning on October 1, 1990, to reduce the requirement under paragraph (1) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary) of not less than eight years. (b) For the purposes of this section— (1) an officer's years of active service are computed by adding all his active service in the armed forces; and (2) his years of service as a commissioned officer are computed by adding all his active service in the armed forces under permanent or temporary appointments in grades above warrant officer, W-1. (c)

You requested to be awarded retirement benefits for your 18 plus years of active-duty service, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you voluntarily submitted a request for resignation. Your request was approved conditioned upon your acceptance of a commission in the Marine Corps Reserve. You did not desire to accept a reserve commission. You were discharged on 1 September 1981 with over 18 years of active-duty service. You did not complete 20 years of active-duty service, therefore the Board determined that you are not eligible for an active-duty retirement. The Board found no error or injustice to warrant a change to your record.

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, _____

7/5/2024

