



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

██████████
Docket No. 8401-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████
██████████ USMCR

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by Headquarters, U.S. Marine Corps (MMSR-5), 5 Sep 24
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish eligibility to transfer to the Retired Reserve.

2. The Board, consisting of ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 27 February 2025 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, relevant portions of Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 1 February 2003, Petitioner promoted to Master Sergeant (MSgt)/E-8. Petitioner reenlisted on 30 September 2003 for 3 years and thereafter extended for 3 months. Reserve End of Current Contract (RECC): 29 December 2006. On 6 December 2003, Petitioner earned 20 total years of qualifying service (TYQS) for non-regular retirement.

b. On 10 February 2004, Petitioner issued Notification of Entitlement to Retired Pay at Age 60 and Eligibility to Participate in the Reserve Component Survivor Benefit Plan.

c. On ██████████, Petitioner discharged with 23 TYQS.

d. On ██████████ Petitioner 60th birthday.

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[REDACTED] USMCR

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. Petitioner failed to request retirement in accordance with reference (b)¹ prior to his [REDACTED] RECC. However, because Petitioner earned over 20 TYQS for a non-regular retirement, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's discharge transaction of [REDACTED] is rescinded.

Petitioner requested transfer to the Retired Reserve Awaiting Pay at Age 60 in a timely manner and the request was approved by cognizant authority with a retirement date of [REDACTED] in paygrade MSgt/E-8.

Petitioner transferred to the Retired Reserve Awaiting Pay at Age 60 effective [REDACTED]
Note: Headquarters, U.S. Marine Corps (MMSR-5) shall provide direction to Petitioner on requesting transfer to the Retired Reserve with pay in accordance with reference (b).

A copy of this report of proceedings will be filed in 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 titled matter.
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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/8/2025

[REDACTED]

¹ Specifies that enlisted members must be serving within the unexpired term of an enlistment contract or a valid extension to the enlistment contract on the effective date of transfer to the Retired Reserve. This policy also outlines the application submission requirements for transfer to the Retired Reserve.