



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

[REDACTED]
Docket No. 9558-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
XXX XX [REDACTED] USMCR

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

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by HQMC (MMSR-5), 22 Oct 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 [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 March 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. Petitioner served in the Marine Corps Reserve from 20 June 1990 to 19 September 1998, and affiliated with the Marine Corps Reserve on 23 July 2007. On 5 October 2017, Petitioner reenlisted for 3 years and thereafter, executed a 23-month extension. Reserve End of Current Contract (RECC): 4 September 2022.

b. On 1 July 2018, Petitioner promoted to Gunnery Sergeant (GySgt)/E-7.

c. Petitioner issued Fitness Report for the period of 1 October 2020 to 30 September 2021, that corroborated him sustaining a severe gunshot wound to the abdomen that was life-threatening on 15 January 2021.

d. On 22 July 2021, Petitioner earned 20 total years of qualifying service (TYQS) for a non-regular retirement. On 4 September 2022, Petitioner discharged with 21 TYQS.

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e. On 28 February 2024, Petitioner signed Retirement Preapplication Checklist. The form was signed by a Commanding Officer on 4 March 2024.

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 4 September 2022 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 4 September 2022 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 1 September 2022 in paygrade GySgt/E-7.

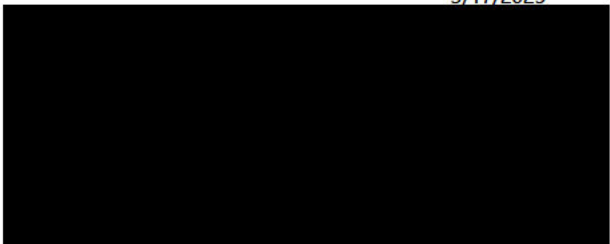
Petitioner transferred to the Retired Reserve Awaiting Pay at Age 60 effective 1 September 2022. Note: Headquarters United States Marine Corps (MMSR-5) shall provide direction to Petitioner on requesting transfer to the Retired Reserve with pay in accordance with reference (b).

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.

3/17/2025



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.