



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

Docket No. 88-25
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1900.16, 15 Feb 19
(c) Title 10 U.S.C. § 12731

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by HQMC memo 1820 MMSR-5, 29 Jan 25
(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 show that he was transferred to the Retired Reserve awaiting pay at age 60.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

- a. On 1 November 2013, Petitioner was promoted to Gunnery Sergeant/E-7.
- b. On 4 May 2018, Petitioner reenlisted in the U.S. Marine Corps Reserve for 3 years with a Reserve Expiration of Current Contract of 3 May 2021.
- c. In accordance with reference (b), Application for Transfer to the Retired Reserve Awaiting Pay at Age 60. Requests for voluntary retirement by SMCR and IMA affiliated Marines will be submitted by the reporting command via the Unit Diary Marine Integrated Personnel System per reference (c) MCTFS PRIUM (Online). Requests outside the 4-to-14-month submission timeframe must be submitted via separate correspondence with justification to the CMC

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(MMSR-5) with chain of command justification and command endorsements via the first general officer.

d. In accordance with reference (c), Age and service requirements. (a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—(1) has attained the eligibility age applicable under subsection (f) to that person; (2) has performed at least 20 years of service computed under section 12732 of this title; (3) in the case of a person who completed the service requirements of paragraph (2) before April 25, 2005, performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed the service requirements of paragraph (2) before October 5, 1994, the number of years of such qualifying service under this paragraph shall be eight; and (4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Homeland Security, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served. (c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—(A) the person performed active duty during World War I or World War II; or (B) the person performed active duty (other than for training) during the [REDACTED], the [REDACTED], or the [REDACTED]

e. On 19 April 2021, Petitioner signed an agreement to extend enlistment for 3 months with a Reserve Expiration of Current Contract of 3 August 2021 in order to become eligible for reenlistment.

f. Petitioner's Career Retirement Credit Record (CRCR) covers periods of military service beginning 24 March 2001 to 3 August 2021, with a total points credit of 3,582, and total satisfactory years/qualifying service of 20 years. The last qualifying year completed was for the period of 24 March 2020 to 23 March 2021.

g. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that in accordance with reference (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person has performed at least 20 years of service computed under section 12732 of this title. Although Petitioner was unable to complete the steps in reference (b)

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to submit his Application for Transfer to the Retired Reserve Awaiting Pay at Age 60 prior to his discharge, the Board determined that Petitioner accrued 20 years of qualifying service, therefore relief is warranted.

RECOMMENDATION

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

The record of discharge from the U.S. Marine Corps Reserve effective 3 August 2021, is rescinded.

Petitioner was transferred to the Retired Reserve, without pay, effective 1 August 2021.

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.

4/4/2025

