



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

Docket No. 3616-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD
[REDACTED] USMCR

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 10 U.S.C. § 12731

Encl: (1) DD Form 149 w/attachments
(2) 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] reviewed Petitioner's allegations of error and injustice on 19 August 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 27 February 1990, Petitioner enlisted in the U.S. Naval Reserve for 8 years with an Expiration of Obligated Service of 26 February 1998.

b. Petitioner was transferred to the Marine Corps Reserve with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 28 March 1990 to 27 May 1994 upon completion of required active service.

c. On 10 August 1997, Petitioner reenlisted for 5 years with a Reserve Expiration of Current Contract (ECC) of 9 August 2002.

d. On 5 March 2002, Petitioner signed an agreement to extend enlistment for 6 months with a Reserve ECC of 9 February 2003 in order to incur obligated service for next Staff Noncommissioned Officer promotion board.

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- e. On 19 April 2003, Petitioner reenlisted for 4 years with a Reserve ECC of 18 April 2007.
- f. Petitioner was released from active duty with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 14 January 2003 to 29 February 2004 upon completion of required active service.
- g. On 1 September 2006, Petitioner was promoted to Gunnery Sergeant/E-7.
- h. On 15 March 2007, Petitioner signed an agreement to extend enlistment for 3 months with a Reserve ECC of 18 July 2007 in order to have sufficient time to allow reenlistment request to process.
- i. On 3 June 2007, Petitioner signed an agreement to extend enlistment for 12 months with a Reserve ECC of 18 July 2008 in order to update Master Brief Sheet and Official Military Personnel File to qualify for reenlistment.
- j. On 18 July 2008, Petitioner signed an agreement to extend enlistment for 3 months with a Reserve ECC of 18 October 2008 in order to correct date gaps and update Official Military Personnel File to qualify for reenlistment.
- k. On 16 October 2008, Petitioner reenlisted for 3 years with a Reserve ECC of 15 October 2011.
- l. On 25 February 2010, Commandant of the Marine Corps notified Petitioner that “[p]er MCO P1900.16F, a review of your record indicates that you are eligible to receive Reserve Retired Pay at age 60. However, this notification is not transferring you to a retired status. You must request a retirement status in accordance with paragraph 3016 of reference (a). Failure to request retirement will result in your separation from the Marine Corps at the expiration of your contract if not extended. Should your contract expire, and you become separated, this notification will entitle you to retired pay at age 60 as a former member. This status will reduce the value of your retired pay, as your pay will be calculated on the pay tables in effect at the time of your discharge vice the pay tables in effect on your sixtieth birthday had you transferred to a retired status. The enclosures are provided for your information and retention.”
- m. On 16 October 2018, Commandant of the Marine Corps notified Petitioner that “[o]n 1 March 2010, we sent you your Notification of Entitlement to Retired Pay at Age 60 and Eligibility to Participate in the Reserve Component Survivor Benefit Plan (RCSBP). As of today's date we have not received a response from you. Per MCO P1900.16 and 10 U.S.C. section 12731, due to your marital status, as of today you were automatically enrolled into Option A "I decline to make an election until age 60." A copy of this letter has been forwarded to your Official Military Personnel File.”
- n. Petitioner's Career Retirement Credit Record covered the period of 27 February 1990 to 15 October 2011. Furthermore, Petitioner completed 21 years of qualifying service. The last qualifying year Petitioner completed was for the period of 27 February 2010 to 26 February 2011. Furthermore, Petitioner's date of birth is 21 February 1969.

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 agreed Petitioner obtained 21 qualifying years towards a Reserve retirement which met the service requirement in accordance with reference (b),¹ therefore although Petitioner failed to submit a retirement request prior to separation, relief is warranted.

RECOMMENDATION

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

Petitioner's discharge from the U.S. Marine Corps Reserve effective 15 October 2011 is rescinded.

Petitioner was transferred to the retired reserve, without pay, effective 1 October 2011.

Note: That any other action affected by the Board's recommendation be corrected.

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.

8/25/2025

[REDACTED]

¹ 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.