



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 5904-02  
9 October 2002

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the Marine Corps Reserve, filed an application with this Board requesting, in effect, that his record be corrected by crediting him with five retirement points in the anniversary year ending 20 December 1998.

2. The Board, consisting of Mr. McBride, Mr. McPartlin and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 8 December 2002 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, naval records, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner entered the Marine Corps Reserve on 21 December 1982. During the next 19 years, he earned 18 qualifying years for reserve retirement, and he has already earned sufficient points in the anniversary year ending on 20 December 2002 to make that year qualifying. However, in the anniversary year ending 20 December 1998, he has only been credited with 31 active duty points and 15 membership points, for a total of 46 of the 50 retirement points necessary for a qualifying year.

d. Petitioner states in his application that in 1998 due to

cutbacks at his reserve unit he was forced to transfer to the Individual Ready Reserve (IRR). His plan was to perform sufficient active duty for special work, annual training and correspondence courses to achieve a qualifying year. When he discovered that he could not begin the correspondence course because it was being rewritten, he made arrangements with his former unit to participate in a five-period drill weekend without pay. He later learned that he was not credited with those five points. In support of his application, he has provided a letter from the former executive officer and subsequent commanding officer of the reserve unit to the effect that he remembers Petitioner attending the drills, and the paperwork to support crediting of the drills was submitted on at least two occasions.

d. Attached to enclosure (1) is an advisory opinion from the Reserve Affairs Division, Headquarters Marine Corps recommending that the points be credited. However, also attached is input from the Separation and Retirement Branch (MMSR-5), stating that the points should not be credited until Petitioner requests and is granted associate duty orders. He should then submit a drill attendance sheet authenticated by the commanding officer and a copy of the orders to the Marine Corps Reserve Support Command, which will result in the crediting of the five drills.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the favorable advisory opinion from the Reserve Affairs Division and the belief of MMSR-5 that the points can be administratively credited if proper procedures are completed. The Board also notes Petitioner's history of continuous qualifying years. Since Petitioner performed the drills, the Board believes that no useful purpose is now served by making him complete the administrative requirements set forth by MMSR-5 that may or may not ultimately be found sufficient for crediting of the drills. Therefore, the Board concludes that Petitioner's record should be corrected by crediting him with five nonpay drills in the anniversary year ending 20 December 1998.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the crediting of the retirement points.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by crediting him

with five nonpay retirement points in the anniversary year ending 20 December 1998.

b. That this Report of Proceedings be filed in Petitioner's naval record.

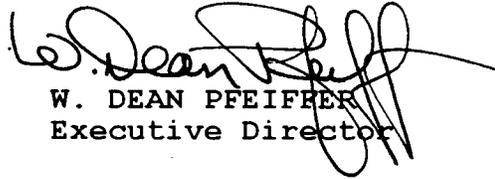
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director