



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

TRG  
Docket No: 7426-02  
18 September 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, an enlisted member of the Marine Corps filed an application with this Board requesting that his record be corrected to show that the anniversary year ending 18 July 1997 is qualifying for reserve retirement.

2. The Board, consisting of Mr. Mr. Beckett, Ms. Nofzieger and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 17 September 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. At the end of the anniversary year on 19 July 1996, Petitioner was credited with 11 consecutive qualifying years for reserve retirement. In the anniversary year ending on 18 July 1997, he was credited with 49 retirement points. Fifty retirement points are required for a qualifying year. Since then, he has earned five consecutive qualifying years.

d. Petitioner states in his application that he took a leave of absence from his reserve unit to attend a police

academy. After consulting with the career planner, it was agreed he had sufficient points for a qualifying year. When he returned to the unit, he found that he had been dropped and it took him until the next anniversary year to rejoin a unit. He desires a change so he can regain the opportunity to earn 20 consecutive qualifying years.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Given the circumstances, and especially his consecutive qualifying years both before and after the anniversary year at issue, the Board concludes that the record should be corrected to make the year ending on 18 July 1997 qualifying for reserve retirement. This can be accomplished by moving one retirement point from the anniversary year ending 18 July 1998 into the anniversary year ending 18 July 1997.

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 change in the number of qualifying years.

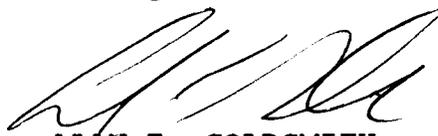
RECOMMENDATION:

a. That Petitioner's naval record be corrected by moving one retirement point from the anniversary year ending 18 July 1998 into the anniversary year ending 18 July 1997.

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