



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1148-99

21 April 1999

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) DD Form 149 w/attachments
(2) HQMC Memo 1900 RAP-22 of 13 April 1999
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former officer in the United States Marine Corps Reserve filed enclosure (1) with this Board requesting that he be reinstated in the Marine Corps Reserve.

2. The Board, consisting of Mr. Mathews, Mr. Pfeiffer and Ms. Madison, reviewed Petitioner's allegations of error and injustice on 20 April 1999 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. Enclosure (1) was filed in a timely manner.

c. Petitioner's record was considered by the FY98 Marine Corps Reserve Officer Mobilization Potential Screening Board in September 1998. After review of his record, the board recommended that he be discharged from the Marine Corps Reserve because he possessed no mobilization potential due to his protracted period of inactivity. The recommendation of the board was approved by the Secretary of the Navy and he was discharged on 1 January 1999.

d. The advisory opinion at enclosure (2) states, in part, as follows:

.. (He) based his request for reinstatement on his letter to the Commanding General, Marine Corps Reserve

Support Command (MCRSC) dated 3 September 1998. In his request (he) requests to resume active participation in the Marine Corps Reserve and explains his efforts to obtain a position in the Selected Marine Corps Reserve (SMCR) as early as 26 June 1998, well before the convening of the Board.

... Dialogue with (the) Supervisor, Administrative Action Branch, Manpower Management Division, MCRSC reveals that (Petitioner's) record did contain his letter of intent to affiliate with a SMCR unit; however, there was no record of correspondence from (his) Prior Service Recruiter informing the Board of his efforts. (It was) further noted that the Board had considered (his) correspondence when making their decision.

.. Liaison with (the) Prior Service Recruiter, confirms his assertion that he had been attempting to join a unit since June 1998 and that his application had been misplaced through no fault of his own. Accordingly, we recommend that (his) discharge be rescinded and that he be reinstated in the Marine Corps Reserve. ...

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that Petitioner's discharge would not have been recommended by the mobilization screening board if evidence had been submitted that he was attempting to join the SMCR. Accordingly, the Board agrees with the recommendation contained in the advisory opinion that Petitioner be reinstated in the Marine Corps Reserve.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected wherever necessary to show that he was not discharged on 1 January 1999 but has continued to serve without interruption in the Marine Corps Reserve.
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained

for such purpose, with no cross reference being made a part of 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