



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

TRG
Docket No: 8307-97
21 May 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 May 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 20 October 1982 at age 26. At that time you had completed about eight years of active and reserve service. You then served continuously in the Marine Corps until you were honorably discharged on 30 April 1993 in the grade of SGT (E-5) under the provisions of a voluntary early release program.

The record shows that you enlisted in the Marine Corps Reserve for three years on 1 May 1993. On 1 January 1995 you were promoted to SSGT (E-6). During the period 24 June 1994 to 23 June 1997 you earned three consecutive qualifying years for reserve retirement. However, since you had reached the 20 year service limitation for a SSGT, you were denied further service. and were honorably discharged on 30 July 1997.

You have been informed that although you have completed 20 qualifying years, you are not eligible for reserve retirement because the last six qualifying years were not in the reserve component. Headquarters Marine Corps does not consider the unsigned Notification of Eligibility for Retired Pay at Age 60 to be valid and believes that it was issued in error.

You have advised the Board that since discharge from the Marine Corps Reserve, you have enlisted in the Army Reserve and have earned two additional qualifying years, giving you a total of five qualifying years. However, you still desire a correction to your record because it is difficult for you to keep drilling because of work conflicts. You have been advised that you can earn the last qualifying year in the Individual Ready Reserve by completing correspondence courses.

Since you are still in a position to earn retirement, the Board concluded that no error or injustice exists and your record should not be corrected to give you additional qualifying years. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director