



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

LCC:lc
Docket No: 7764-01
10 October 2001

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

[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Series of Documents
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that when Petitioner decided to reenlist thereby changing his mind about separating from the Navy, he returned from terminal leave and reported directly to the USS Enterprise Detachment, Norfolk VA which was the unit he was assigned to prior to departing on terminal leave.

2. The Board, consisting of Messrs. George, Goldsmith, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 10 October 2001 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. After reviewing the correspondence attached as enclosure (2), the Board concluded that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

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

a. BuPers Order 2611, issued on 18 September 2001 via message R 180937Z SEP 01 was declared null and void and was revoked immediately after being issued via message R 180940Z SEP 01.

b. The 21 month extension executed on 21 September 2001 to enlistment of 29 August 1997 is null and void.

c. Petitioner returned from terminal leave and reported to the USS Enterprise Detachment, Norfolk, VA on 6 July 2001.

d. On 6 July 2001 Petitioner executed an extension to his enlistment of 29 August 1997 for 2 months. Petitioner's enlistment of 29 August 1997 will expire on 28 October 2001.

e. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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


G. L. ADAMS
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.

10 October 2001


W. DEAN PHEIFFER
Executive Director