



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

TRG
Docket No: 2018-01
17 April 2001

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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former commissioned officer in the United States Naval Reserve filed enclosure (1) with this Board requesting, in effect, that his record be corrected to show that he earned an additional nine retirement points in the anniversary year ending 4 April 1989, thus making that a qualifying year for reserve retirement.

2. The Board, consisting of Mr. Leeman, Mr. Beckett and Ms. Humberd, reviewed Petitioner's allegations of error and injustice on 10 April 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. Although it appears that enclosure (1) 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 was commissioned an ensign in the Chaplain Corps of the Naval Reserve on 5 September 1986, and was subsequently, promoted to LT (O-3) in due course. During his first two anniversary years, he earned qualifying years for reserve retirement. In the next anniversary year, he was issued orders for 35 days of active duty for training and he reported in compliance with those orders on 15 August 1989. Subsequently,

his father died and he returned home early. The Statement of Service for Naval Reserve Retirement shows that he was credited with 26 points for the ACDUTRA and 15 membership points, for a total of 41 points. It is clear that if he had completed his ACDUTRA orders, he would have earned an additional nine points, achieved 50 points in that anniversary year, and earned a qualifying year for retirement. The next anniversary year is qualifying for reserve retirement. Subsequently, he resigned his commission and was honorably discharged on 11 December 1991.

d. Petitioner states that he has applied for a commission in the Army Reserve but cannot be commissioned unless he can earn 20 qualifying years for retirement by age 60. He states that if nine points is transferred into the 41 point year, he will have four qualifying years in the Naval Reserve and can meet the requirement for commissioning in the Army Reserve.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was prevented from earning a qualifying year only because of the death of his father. The Board believes that no useful purpose is served by preventing his commissioning in the Army Reserve and the record should be corrected by transferring nine retirement points from the anniversary year ending 4 September 1988 to the anniversary years ending 4 September 1989. With this correction, Petitioner will have four qualifying years for reserve retirement.

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 total of his qualifying years.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by transferring nine retirement points from the anniversary year ending 4 September 1988 to the anniversary year ending 4 September 1989.

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

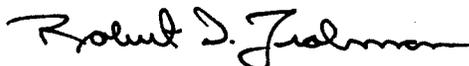
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

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.


For W. DEAN PFEIFFER
Executive Director