



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

TRG  
Docket No: 7545-02  
9 October 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, a commissioned officer in the Naval Reserve filed an application with this Board requesting, in effect, that her record be corrected by moving 12 retirement points from the anniversary ending on 3 August 2000 into the anniversary year ending 3 August 1999.

2. The Board, consisting of Mr. McBride, Mr. McPartlin and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 8 October 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. Petitioner's application was filed in a timely manner.

c. On 4 August 1990 Petitioner was commissioned in the Nurse Corps of the Naval Reserve with no prior service at age 46. Since then she has served in an excellent manner and been promoted to lieutenant commander LCDR; O-4). The Statement of Service for Naval Reserve Retirement shows that upon completion of 12 years of service on 3 August 2002 she will be credited with 11 years of qualifying service for reserve retirement. In the anniversary year ending 3 August 1999, she has only been credited with 39 of the 50 retirement points needed for a qualifying year for retirement.

d. Petitioner states in her application that she was

unaware that her anniversary year was based on the date of her initial appointment in the Naval Reserve, and believed it was based on a fiscal year basis. Based on this belief, she submitted a 12 point correspondence course 9 September 2000 so that the 1999 anniversary year would be qualifying. Since her anniversary year had ended on 3 August 1999, the 12 retirement points were credited in the next anniversary year. She points out that since she is a nurse, the law allows her to remain a member of the Naval Reserve until age 67. If the record is not corrected, she will not be able to earn 20 qualifying years by her 67th birthday.

e. Title 10 U.S.C. 14703 allows, at the discretion of the Secretary of the Navy, for the retention of officers in medical specialties in an active status until age 67. Petitioner will complete 20 years of service on 3 August 2010 and will reach age 67 on 21 August 2010.

**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 has to earn continuous qualify years from 4 August 1990 until 3 August 2010 in order to qualify for reserve retirement, which is only 18 days prior to her 67th birthday. The correspondence course was submitted only 36 days after the completion of her anniversary year but before the end of the fiscal year, which supports her contention that she was unaware that it had to be submitted prior to 3 August 2002. Although there are no guarantees that she will be able to qualify for reserve retirement, she certainly will not be able to do so unless the year at issue is qualifying. Accordingly, the Board concludes that the 12 retirement points from the correspondence course should be moved from the anniversary year ending 3 August 2000 into the anniversary year ending 3 August 1999. This will raise the total in the anniversary year ending 3 August 1999 to 51 and make it a qualifying year.

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 12 correspondence course retirement points from the anniversary year ending 3 August 2000 into the anniversary year ending 3 August 1999.

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