



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

TRG
Docket No: 8419-02
19 December 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 former enlistment member in the Naval Reserve, filed an application with this Board requesting that her record be corrected to show that she transferred to the Retired Reserve, vice being discharged.

2. The Board, consisting of Mr. McBride, Mr. George and Mr. Exnicios, reviewed Petitioner's allegations of error and injustice on 17 December 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. Petitioner reenlisted in the Naval Reserve on 6 December 1997 as a petty officer first class (HM1; E-6). On 13 April 2001 she was issued a Notification of Eligibility for Retired Pay at Age 60. Subsequently, she was honorably discharged at the expiration of her enlistment. The record shows that the date of discharge is 4 December 2002 but it should be 5 December 2002.

d. The Navy Personnel Command has routinely recommended corrective action in similar cases when an individual is eligible for reserve retirement and there is no explanation in the record why he or she was discharged and not retired.

e. The Board is aware that the Uniform Retirement Date Act, 5 U.S.C. 8301, requires that the effective date of any retirement be the first day of the month.

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 in good standing in the Naval Reserve and would have been retired if she had requested it. Therefore, the Board concludes that she should be transferred to the Retired Reserve in the rate of HM1. Given the requirements of the Uniform Retirement Date Act, the retirement should be effective on 1 December 2001, vice the discharge of 4 or 5 December 2001 now of record.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand his status in the Retired Reserve.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she transferred to the Retired Reserve effective on 1 December 2001 in the rate of HM1, vice being discharged on 4 or 5 December 2001.

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