



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

TRG

Docket No: 9790-07  
23 June 2008

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 retired Navy Reservist, filed an application with this Board requesting that he be credited with additional retirement points.

2. The Board, consisting of Mr. [REDACTED] Ms. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 3 June 2008 and, pursuant to its regulations, determined that the limited 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 Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and consider the application on its merits.

c. Attached at enclosure (1) is an advisory opinion from the Navy Personnel Command (Pers 911) in Petitioner's case which states that there is documentation to support payment for active duty pay offset by any incapacitation pay and the crediting of additional retirement points on 14 February 2006 and 10-12 April 2006. Pers-911 further concludes that there is no documentation to support crediting of retirement points or pay on 22 April and 13 May 2005. Although endorsed orders are not available, Pers-911 believes that Petitioner should be credited with retirement points for the period 30 October to 2 November 2003.

CONCLUSION:

Upon review and consideration of all the evidence of record and especially the recommendations contained in the advisory opinion, the Board concludes that Petitioner's request warrants partial favorable action. Since documentation is not available to support crediting of retirement points for 22 April and 13 May 2005 his request for crediting those points is denied. Given the recommendation contained in the advisory opinion, the Board concludes that Petitioner should be credited with nonpay retirement points for the period 30 October to 2 November 2003.

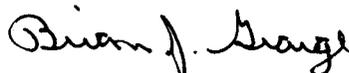
It is clear that Petitioner can be administratively credited with any retirement points for which there is adequate documentation therefore action by the Board on the crediting of retirement points on 14 February 2006 and 10-12 April 2006 is not necessary. It is also clear that because he was present for duty on those dates he should be paid for those days if authorized by his orders and action by the Board is not necessary.

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 reasons for the changes in the retirement point record.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he earned nonpay retirement points during the period 30 October to 2 November 2003 (three retirement points).
- b. That Petitioner's request for retirement points for 22 April and 13 May 2005 be denied.
- c. 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

  
BRIAN J. GEORGE  
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