



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

TRG
Docket No: 11223-07
20 February 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 former enlisted member in the Navy 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. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 February 2008 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 Navy Reserve on 23 September 2001 and subsequently extended that enlistment for 12 months. At that time, she was serving as a petty officer first class (HM1; E-6). She reported for extended active duty on 7 June 2004 and served on active duty until she was released on 2 May 2006. At the end of her anniversary year on 31 July 2006, she was credited with 20 years and five months of qualifying service for reserve retirement. She then applied for transfer to the Retired Reserve but her application was apparently lost. She was honorably discharged on 22 September 2006 at the expiration of her enlistment.

d. The Board did not request an advisory opinion in this

case. However, the Board is aware that the Navy Personnel Command has routinely recommended corrective action when an individual is qualified for reserve retirement and errors occurred which prevented retirement.

e. 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. Petitioner was in good standing in the Navy Reserve and would have been retired if her application had been processed. Therefore, the Board concludes that Petitioner's record should be corrected to show that she 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 September 2006, vice the discharge of 22 September 2006 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 her status in the Retired Reserve.

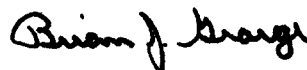
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she transferred to the Retired Reserve on 1 September 2006 in the rate of HM1, vice the discharge of 22 September 2006 now of record.

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


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.

A handwritten signature in black ink, appearing to read "W. Dean Pfeiffer", written in a cursive style.

~~For~~ W. DEAN PFEIFFER
Executive Director