



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

JRE  
Docket No. 01645-08  
29 June 2009

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: FORMER [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149  
(2) CNPC memo 1850 PERS-81, 11 Feb 09  
(3) CNPC memo 5420 PERS-832B, 17 Feb 09  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that she was retained on active duty until such time as she completed twenty years of active service and qualified for transfer to the Fleet Reserve, and that she be retired under the provisions of the High Three retirement plan, rather than the REDUX plan.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 25 June 2009 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. In correspondence attached as enclosure (2) the Board was advised by direction of the Commander, Navy Personnel Command, in effect, that Petitioner was discharged in error because an Abbreviated Limited Duty Medical Board report recommended that she be placed on limited duty for a period of six months, and

that recommendation was approved by the Commanding Officer, Naval Hospital Pensacola prior to her separation.

c. In correspondence attached as enclosure (3), the Board was advised by the Assistant Head and Technical Advisor, Enlisted Performance and Separations Branch, NPC, in effect, that in view of the contents of enclosure (2), favorable action on Petitioner's request was in order.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action concerning her discharge from the Navy.

With regard to Petitioner's request for correction of her record to show that she did not elect the REDUX retirement plan, the Board notes that a REDUX election is irrevocable, and concluded that Petitioner has failed to demonstrate that her election of that plan was erroneous or unjust.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was not discharged on 8 March 2006.

b. That Petitioner's naval record be further corrected to show that she was retained on active duty until 31 May 2008, when she completed twenty years of active duty service, and that she was transferred to the Fleet Reserve effective 1 June 2008.

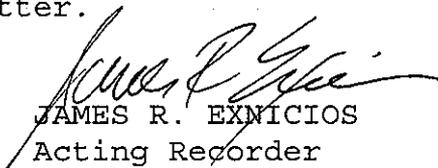
c. That no further relief be granted.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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

  
JAMES R. EXNICIOS  
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