



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX TRG  
WASHINGTON DC 20370-5100 Docket No: 6499-08  
18 February 2009

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 member of the Navy Reserve, filed an application with this Board requesting, in effect, that her record be corrected to show that she has 20 years of qualifying service and transferred to the Retired Reserve.
2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 February 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. 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. Petitioner was honorably discharged from the Navy Reserve on 10 September 2001. At that time, she was serving as a petty officer first class (RM1; paygrade E-6). When she was discharged, she was credited with about 17 years of qualifying service for reserve retirement purposes. In her application to the Board, she provided a copy of an Army DD Form 214 which showed active service in that component from 29 December 1976 to 12 December 1980, a period of 3 years, 11 months and 14 days. This DD Form 214 was sent to the Navy Personnel Command and her statement of service has now been changed to show 21 years, 1

month and 2 days of qualifying service for reserve retirement. Subsequently, she was issued a Notification of Eligibility for Reserve Retired Pay at age 60. However, since she has been discharged she is considered to be a former member. Petitioner was born on 9 November 1958 and will not be age 60 until 9 November 2018.

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 she had been properly credited with her Army service and had requested it in sufficient time prior to the expiration of her enlistment. Therefore, the Board concludes that Petitioner's record should show that he transferred to the Retired Reserve in the rate of RM1. Given the requirements of the Uniform Retirement Date Act, the retirement should be effective on 1 September 2001 vice the discharge of 10 September 2001 now of record. She will need to request transfer to the Retired List several months prior to reaching age 60.

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:

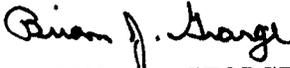
a. That Petitioner's record be corrected to show that she transferred to the Retired Reserve effective on 1 September 2001, in the rate of RM1, vice the discharge of 10 September 2001 now of record.

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.

  
W. DEAN PFEIFFER  
Executive Director