



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

DJC
Docket No. 11447-08
24 March 2009

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

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 1430 Ser 811/061 of 29 Jan 09
(3) 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 the applicable naval record be corrected to modify enlistment contract.

2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 23 March 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 office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. The 18 month NAVPERS 1070/621 extension agreement, operative on or about 27 January 2007, is null and void.

b. The 18 month NAVPERS 1070/621 extension agreement, operative on or about 27 July 2008, is null and void.

c. The DD Form 4/1 (Jan 2001) executed on or about 16 May 2005 is for a term of 8 years in the Naval Reserve. The Enlistment in the Delayed Entry/Enlistment Program (DEP) with Active Duty orders effective 27 July 2005 is for a term of 4 years in the regular component of the United States Navy.

d. The petitioner executed a DD Form 4/3 (Jan 2001), on or about 27 July 2005 for a term of 4 years in the regular component of the United States Navy. The 12 month NAVPERS 1070/621 extension agreement the Petitioner executed to comply with the requirements of the Hospital Corpsman (5YO/HM) will establish a S-EAOS of 26 July 2010.

e. The Branch/Class (BR/CL) on the enlistment executed on or about 27 July 2005 is USN, vice USNR(National Call to Service). The BRCL is 11, EAOS is 26 July 2009, S-EAOS is 26 July 2010, and EREN is 000000, and RADOMO is 000.

f. The petitioner is not entitled to a National Call to Service (NCS) enlistment bonus.

g. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

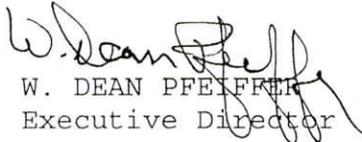
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS, III
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.

24 March 2009


W. DEAN PFEIFFER
Executive Director