



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

HD:hd  
Docket No. 09564-09  
9 January 2010

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

Subj: ~~REDACTED~~  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 8 Sep09  
(2) PERS-913 memo dtd 30 Oct 09 w/enclosures  
(3) PERS-832B memo dtd 23 Nov 09

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 remove documentation showing he was separated from the Navy Reserve for "unsatisfactory performance."

2. The Board, consisting of Ms. LeBlanc and Messrs. Grover and McBride, reviewed Petitioner's allegations of error and injustice on 7 January 2010, 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, 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 enclosure (2), PERS-913, the Navy Personnel Command (NPC) office having cognizance over the subject matter of Petitioner's case, has commented to the effect the request has merit and warrants favorable action. That office further recommended correcting Petitioner's record to show he was

honorably discharged from the Navy Reserve on 16 February 2007 by reason of expiration of obligated service with a reenlistment code of RE-1 (eligible for reenlistment) and awarding him membership point credit for the period from 31 May 2003 (transfer to the Individual Ready Reserve) to 16 February 2007.

c. In enclosure (3), PERS-832B, the NPC office with cognizance over enlisted performance and separations, interposed no objection to the opinions of PERS-913.

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 error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing any documentation reflecting he was separated from the Navy Reserve for unsatisfactory participation.

b. That his record be corrected further to show he was honorably discharged from the Navy Reserve on 16 February 2007 by reason of expiration of obligated service with a reenlistment code of RE-1.

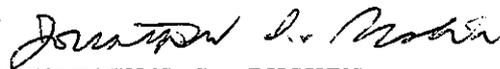
c. That he be awarded membership points for the period from 31 May 2003 to 16 February 2007.

d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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

  
JONATHAN S. RUSKIN  
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