



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

WJH  
Docket No. 11293-09  
4 March 2010

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 5420 PERS 913 of 13 Jan 2010  
(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 show that he was voluntarily transferred to the Fleet Reserve after completing more than 20 years of active service.
2. The Board, consisting of Mr. Pfeiffer, Mr. Zsalman, and Mr. George, reviewed Petitioner's allegations of error and injustice on 1 March 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, naval records, and applicable statutes, regulations and policies. The Board also considered the advisory opinion attached as enclosure (2) which favorably supported Petitioner's request.
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. Title 10 US Code Section 6330 permits an enlisted member of the Naval Reserve who has completed 20 or more years

of active service in the armed forces to be transferred to the Fleet Reserve upon request by the member.

c. Petitioner had completed 20 years, 8 months and 12 days of active duty as of 21 October 2009. A statement of service is included in enclosure (1).

d. By enclosure (1), Petitioner has requested to be released from the Naval Reserve/transferred to the Fleet Reserve effective 31 December 2009/1 January 2010.

e. 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. On 31 December 2009, he requested to be released from the Naval Reserve/transferred to the Fleet Reserve under 10 USC Section 6330 effective 31 December 2009/1 January 2010.

b. That Petitioner's request was approved and he was subsequently released from the Naval Reserve/transferred to the Fleet Reserve effective 31 December 2009/1 January 2010 with 20 years, 8 months and 12 days of active service creditable for retainer pay purposes. Note: Petitioner voluntarily accepted a Special Separation Benefit (SSB) payment of \$53,404.56 in 1993. Recoupment of the SSB payment will be in accordance with current law and policy.

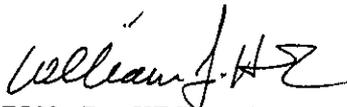
c. In order to implement the change described above, the following administrative actions should be taken: (1) PERS-9 will forward DD214 Worksheet to PERS 312. PERS-312 will prepare and issue a DD214 (Release from Active Duty/Certificate of Discharge); (2) PERS 823 will issue an authorization to transfer Petitioner to the Fleet Reserve and establish a retired pay

account. Copies of the Fleet Reserve authorization will be sent to the Defense Finance and Accounting Service (DFAS), NOSC Buffalo and PERS 9; and (3) Once the above actions have been completed, PERS 9 will provide DFAS with the Data for Payment of Retired Personnel/ Survivor Benefit Plan Election Form (DD Form 2656).

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

4. 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.

4 March 2010

  
W. DEAN PFEIFFER  
Executive Director