



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

TJR
Docket No: 351-10
17 March 2010

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 with attachments
(2) Case summary with advisory opinion
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy Reserve, filed enclosure (1) with this Board requesting that the his record be corrected to reflect his active duty start date as 10 January 2008 instead of 11 January 2008.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED], and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 16 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. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command, Augmentation Division (PERS-4G), dated 25 February 2010, a copy of which is attached to enclosure (2).

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. Enclosure (1) was filed in a timely manner.

c. Petitioner, while serving in paygrade E-7, began a period of active duty on 10 January 2008. On 31 October 2008 he was honorably released from active duty and transferred to the Navy Reserve upon completion of his required active service.

d. In January 2008, Petitioner was issued a Certificate of Discharge or Release from Active Duty (DD Form 214) which reflected a date of entry to active duty as 11 January 2008. In this regard, an advisory opinion from PERS-4G recommended correction of this erroneous date. The advisory opinion stated, in part, that a simple processing error occurred when Petitioner gained to active duty, and as such his gain date should be amended to 10 January 2008, and that all appropriate changes should be made to the record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board substantially concurs with the comments and recommendations contained in the advisory opinion. Specifically, the Board concludes that his record be corrected to reflect that he entered active duty on 10 January 2008, and that all appropriate changes be made to ensure his entitlement to pay, benefits, and retirement points.

Based on the foregoing the Board concludes that no useful purpose is served by continuing to show that Petitioner entered active duty on 11 January 2008, and as such finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he entered active duty on 10 January 2008 vice 11 January 2008.

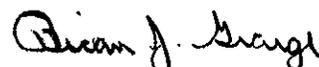
b. That Petitioner's naval record be corrected to ensure his appropriate entitlement to pay, benefits, and retirement points be based on his active duty entry date of 10 January 2008.

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

d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 7 January 2010.

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 Regulation, 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