



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

TAL
Docket No: 11187-10
31 January 2011

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
(3) Subject's naval record
(4) CNPC ltr PERS-913 dtd 13 Dec 10

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy Reserve, filed enclosure (1) with this Board requesting to be reinstated effective in May 2009 and to be paid for drills he performed at the Navy Operational Support Center (NOSC) Kitsap, Bremerton, Washington.

2. The Board, consisting of Mes. Guill, Henkel and Siler, reviewed Petitioner's allegations of error and injustice on 5 January 2011 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. Petitioner enlisted in the Navy Reserve and was advanced to paygrade E-4.

c. He informed his chain of command at NOSC Charlotte, North Carolina, that he was transferring to NOSC Kitsap, Bremerton, Washington, in May 2009. According to Reserve Personnel Administrative Division (PERS-913) records, he was administratively separated from NOSC Charlotte on 22 July 2009, due to Unsatisfactory Participation in the Navy Reserve. NOSC Kitsap officials confirmed that he has been a satisfactory driller despite not being properly joined and paid since transferring commands in May 2009.

d. As indicated in enclosure (4), PERS-913 states that communication errors led to Petitioner's separation and advises that his request warrants relief. The administrative errors resulted in the lack of a properly executed transfer and an erroneous administrative separation.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this correction, the Board substantially concurs with the recommendation made by PERS-913 in enclosure (4).

In view of the foregoing, the Board finds the existence of an error warranting the following corrective action.

RECOMMENDATION:

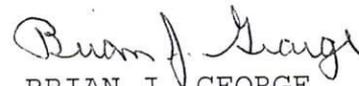
a. That Petitioner's record be corrected to show that he was not discharged from the Navy Reserve on 22 July 2009, and that he be re-instated with entitlement to pay for the drills he satisfactorily completed since his erroneous separation.

b. That any material inconsistent with or relating to the Board's recommendation regarding the erroneous separation be removed from Petitioner's record. Further, that any material directed to be removed from Petitioner's record be returned to the Board for filing together with a copy of this Report of Proceedings.

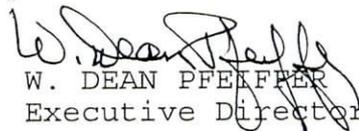
c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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 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