



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

WJH  
Docket: 1189-11  
12 April 2011

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

Subj: [REDACTED]  
[REDACTED] REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments  
(2) NPC ltr 5730 PERS 912 of 1 Mar 2011  
(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 qualified for transfer to the Retired Reserve (Awaiting Pay at Age 60) vice discharged from the United States Navy Reserve.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and George reviewed Petitioner's allegations of error and injustice on 21 March 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. On 8 January 2011, Petitioner was discharged from the United States Navy.

c. At the time of his discharge, Petitioner had 20 years, 9 months and 28 days of service in the regular and reserve component combined. He was not eligible for non-regular retirement because his last enlistment was in the regular component.

d. In February 2011, Petitioner submitted an application with this Board seeking to change his record to show that he was qualified to transfer to the Retired Reserve (Awaiting Pay at Age 60).

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 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. Petitioner's enlistment of 9 January 2009 was in the reserve component vice the regular component. The enlistment was extended until 31 January 2011. This will ensure Petitioner's last enlistment was in the in the reserve component.

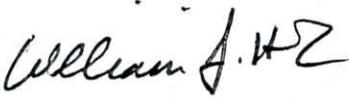
b. Petitioner was *released* vice discharged from active duty on 8 January 2011 and transferred to continue his service in the reserve component.

c. On 31 January 2011, Petitioner requested transfer to the Retired Reserve (Awaiting Pay at Age 60). (NOTE: PERS 912 has advised that they will effect the transfer to the Retired Reserve awaiting pay administratively without the need for further action by this Board).

d. 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 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.

12 April 2011

  
W. DEAN PFEIFFER  
Executive Director