



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD SUITE 1001
ARLINGTON VA 22204-2490

BAN
Docket No: NR01948-14
15 May 2014

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

Subj: [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Navy Personnel Command (NPC) memo 5420 Ser 91/047 of
15 Apr 2014

1. Pursuant to the provisions of reference (a) Petitioner filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that Petitioner had 20 qualifying years vice 19 years, 11 months, 29 days for a non-regular Reserve retirement.

2. The Board, consisting of Messrs. Zsalman, Ruskin and George reviewed Petitioner's allegations of error and injustice on 12 May 2014 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. 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, as follows:

a. PERS-91 is directed to move two drill points currently credited to the anniversary year ending 21 March 2002 to the anniversary year ending 2 March 2003. That service segment 22 March 2002 through 30 April 2002 would be pro-rated that will entitle Petitioner to have earned the minimum points required to be credited with 1 month, 9 days of qualifying service.

b. Petitioner would therefore have just over 20 years of qualifying service for Reserve retire pay at age 60.

c. Petitioner was transferred the non-regular Retired Reserve List with 20 years of qualifying service, without pay on 1 May 2002, and is eligible to retired receive pay at or after age 60.

NOTE: Petitioner needs to be issued a Notification of Eligibility for Reserve Retired Pay.

d. 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 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


BRONTE I. MONTGOMERY
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.

15 May 2014

A handwritten signature in black ink, appearing to read "Robert D. Zsalmán". The signature is written in a cursive style with a large, stylized initial "R".

ROBERT D. ZSALMAN
Acting Executive Director