



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

BAN
Docket No. NR02790-14
22 July 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 91/114 of
2 Jul 2014
(3) Email from Ms. [REDACTED] NPC and Ms. [REDACTED]
BCNR on 14 Jul 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 he had sufficient qualifying years for a Reserve retirement vice being discharged.
2. The Board, consisting of Messrs. Zsalman, Exnicios and Ruskin reviewed Petitioner's allegations of error and injustice on 21 July 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 enclosures (2) and (3), 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 enclosures (2) and (3), 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. Transfer 35 retirement points from Petitioner's anniversary year ending on 25 August 2004 to the anniversary year ending on 25 August 2001.

NOTE: This change will grant Petitioner an additional year of qualifying service, giving him 20 qualifying years of service, which will make him eligible for a Reserve retirement.

b. Petitioner will be transferred to the Retired Reserve List, without pay, effective 1 August 2007.

NOTE: PERS-912 is directed to issue Petitioner a Notification of Eligibility for Reserve Retired Pay at, or after, age 60 and update all records management systems to reflect the change in his status as a member of the Retired Reserve.

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

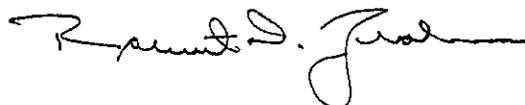
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


DAVID J. CASH
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.

22 July 2014



ROBERT D. ZSALMAN
Acting Executive Director