



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

DJC  
Docket No. NR6751-14  
10 Mar 15

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) NPC memo 5420 PERS-836/004  
(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 the Petitioner transferred to the Fleet Reserve.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 March 2015 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, to show that:

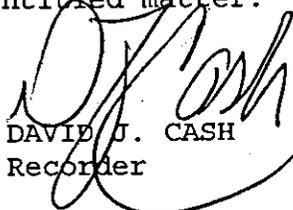
a. The Petitioner was transferred to the Fleet Reserve on 30 September 2008, vice being discharged on 18 January 2007.

b. The Certificate of Release or Discharge from Active duty (DD Form 214, Aug 2009), effective 18 January 2007, is modified to read block 12b (Separation date this period) "2008 09 30" vice "2007 01 18", block 12c (Net active service this period) "20 00 24" vice "18 02 09", block 23 (Type of Separation) "TRANSFERRED TO THE FLEET RESERVE" vice "DISCHARGE", block 25 (Separation authority) "MILPERSMAN 1830-040" vice "MILPERSMAN 116-120", block 26 (Separation Code) "NBD" vice "JGH", block 27 (Reentry code) "RE-2" vice "RE-3M", and block 28 (narrative reason for separation) "SUFFICIENT SERVICE FOR RETIREMENT" vice "SECRETARIAL AUTHORITY".

c. Petitioner is entitled to all back pay and allowances for the period of 19 January 2007 to 30 September 2008. Furthermore, Petitioner is entitled to retire pay from 1 October 2008 to present due to the aforementioned correction. Finally, recoup Separation/Severance pay the Petitioner may have received when he was discharged on 18 January 2007.

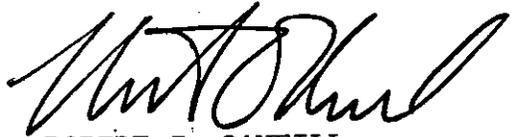
d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. 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.

  
DAVID J. CASH  
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.

10 Mar 15

  
ROBERT J. O'NEILL  
Executive Director