



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

[REDACTED]  
Docket No. 722-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER [REDACTED]  
USNR, XXX-XX [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) BUPERSINST 1001.39F  
(c) MILPERSMAN 1160-120

Encl: (1) DD Form 149 w/attachments  
(2) NPC ltr 5730 PERS-9 of 1 Apr 21  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to reflect transfer to the Retired Reserve without pay vice discharge.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 3 June 2021 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, relevant portions of Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), Reserve members must complete 20 years of qualifying service to be eligible for non-regular service retired pay. Reference (c), stipulates unless a High Year Tenure (HYT) waiver is authorized, personnel may only reenlist or extend up to the HYT date for their current pay grade. Additionally, USNR and USNR-S1 members exceeding HYT limits must obtain an HYT waiver (either SELRES, VTU or USNR-S1), retire (if eligible), or be separated.

b. Petitioner's Pay Entry Base Date was 29 June 1997.

c. On 2 November 2016, Petitioner transferred to the Individual Ready Reserve – Active Status Pool.

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d. On 5 April 2018, Petitioner reenlisted for a term of 2-years for “retirement purposes and benefits of rate”.

e. On 4 April 2020, Petitioner was discharged with 19-years, 9-months and 6-days total qualifying years of service; the record does not contain an HYT waiver request or approval.

f. 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. The Board determined Petitioner completed a partial qualifying year of Reserve service from 29 June 2019 through 4 April 2020, but earned 62 total Reserve retirement points. The Board felt that had Petitioner received adequate career counseling, he would have accomplished the requirements of references (b) and (c) to complete the 3 additional months required to earn a full qualifying year of service and ability to transfer to the Retired Reserve without pay.

## RECOMMENDATION

That Petitioner’s naval record be corrected, where appropriate, to show that:

Petitioner submitted a HYT waiver request to execute a 3-month extension on his 5 April 2018 reenlistment to cognizant authority in a timely manner; the request was approved.

Petitioner executed NAVPERS 1070/621, Agreement to Extend Enlistment of 5 April 2018 for a term of 2 years; new expiration of obligated service is 4 July 2020.

Petitioner submitted request to transfer to the Retired Reserve without pay in a timely manner; it was approved with a retirement date of 1 July 2020.

Petitioner transferred to the Retired Reserve without pay effective 1 July 2020 vice discharged on 4 April 2020.

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

4. 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.

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

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having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

7/20/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]