



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

██████████  
Docket No. 2334-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USNR,  
XXX-XX-██████████

Ref: (a) 10 U.S.C. § 1552  
(b) OPNAVINST 1420.1B  
(c) NAVADMIN 148/18 of 15 Jun 18  
(d) NAVADMIN 042/19 of 22 Feb 19

Encl: (1) DD Form 149 w/attachments  
(2) DD Form 4 of 30 Oct 98  
(3) DD 214 of 24 Apr 09  
(4) Statement of Service of 14 Mar 22  
(5) PERS-92 email of 4 Mar 19  
(6) BUPERS MOB Order: 0949 of 4 Apr 19  
(7) History of Assignments  
(8) Petitioner/PERS-92 emails  
(9) BUPERS DEMOB Order: 0220 of 22 Jan 20  
(10) SPECRECON ██████████ ltr 1420 N00 of 15 Apr 20  
(11) NAVPERS 1000/4 of 23 Apr 20  
(12) MOB Order Extension of 15 Jun 20  
(13) DEMOB Order Modification of 21 Aug 20  
(14) DD Form 214 of 21 Oct 20  
(15) Advisory Opinion by NPC ltr 5730 PERS-91 undated  
(16) Petitioner's Rebuttal Statement to Advisory Opinion

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 change commissioning date from 23 April 2020 to 1 November 2019.

2. The Board, reviewed Petitioner's allegations of error and injustice on 5 April 2022, 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 enclosures (1) through (16), relevant portions of Petitioner's 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, found that, before applying to this Board, he exhausted all administrative

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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), Selected Reserve (SELRES) on active duty special works, 1 to 3 years, presidential selected reserve call-up (PSRC), mobilization, or canvasser recruiting duty, may seek appointment to Chief Warrant Officer (CWO) via the inactive duty CWO Programs. If selected, they will have their active duty status terminated and will receive permanent appointments in the Navy Reserve. Additionally, the policy indicates SELRES selected for an Inactive Duty Limited Duty Officer or CWO appointment assigned to PSRC or other mobilization must have gaining command or theater commander re-validation of their assignments based on the newly commissioned grade. If this validation is approved, they will remain on active duty. If assignment in their newly commissioned status cannot be validated, their active duty status will be terminated.

b. Reference (c) provided details for the Fiscal Year 2020 (FY-20) Navy Selected Reserve LDO and CWO In-Service Procurement Program Boards. The policy specifies, "For applicants who have or are currently serving in Individual Augmentee/Global Support Assignments (IA/GSA), include these tours in the assignment history section of the application. CO/OIC recommendation must include validation of any listed IA/GSA assignment and the statement in reference (c), paragraph 3." Furthermore, "Applicants currently serving on IA/GSA may have their application endorsed by their field commander. All applications endorsed by field commanders must have the parent command concurrence of the member.

c. Reference (d) promulgated the FY-20 Navy Reserve LDO and CWO In-Service procurement selection board results and directed Commanding Officers to "Notify PERS-92 no later than 10 days following release of this message of any selectee who is currently mobilized or will be mobilized prior to their scheduled commissioning date.

d. On 30 October 1998, Petitioner enlisted in the Naval Reserve for a term of 8 years and entered the Delayed Entry Program. See enclosure (2).

e. Petitioner served in the Navy on active duty from 26 July 1999 through 24 April 2009. See enclosure (3).

f. On 21 May 2009, Petitioner affiliated into the Navy Reserve. See enclosure (4).

g. On 4 March 2019, Navy Personnel Command (PERS-92) emailed the FY20 Navy Reserve selectees the following notification: "...Notify me immediately if you are currently or will be on active duties orders prior to commissioning. You may not commission until after you are fully gained back into the Reserves..." See enclosure (5).

h. On 4 April 2019, Petitioner issued BUPERS Mobilization Order: 0949. See enclosure (6).

i. Petitioner reported to [REDACTED] on 18 May 2019. See enclosure (7).

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j. On 6 June 2019, PERS-92 provided the FY20 Navy Reserve selectees with updated point of contact information; Petitioner responded on 13 June 2019 indicating he was “mobilized and will not get off orders until April/May of next year.” See enclosure (8).

k. On 22 January 2020, Petitioner issued BUPERS Demobilization Order: 0220. See enclosure (9).

l. On 14 March 2020, Petitioner emailed PERS-92 regarding the process to request a waiver to be commissioned while on active duty due to impending demobilization delays resulting from COVID-19. On 30 March 2020, PERS-92 responded with the details outlined in reference (b). See enclosure (8).

m. On 15 April 2020, the Commanding Officer, [REDACTED] approved Petitioner to be commissioned while on active duty. See enclosure (10).

n. On 23 April 2020, Petitioner signed NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office. See enclosure (11).

o. On 15 June 2020, Petitioner issued Mobilization Order Extension. See enclosure (12).

p. On 21 August 2020, Petitioner issued Demobilization Order Modification. See enclosure (13).

q. Petitioner detached [REDACTED] on 24 August 2020. See enclosure (7).

r. On 21 October 2020, Petitioner was released from active duty and transferred to the Navy Reserve. See enclosure (14).

s. Navy Personnel Command (PERS-91) provided an advisory opinion to enclosure (1). PERS-91 recommended changing Petitioner’s commission date from 23 April 2020 to 15 April 2020, and stated that “No policy exists to support a 1 November 2019 date of rank for [REDACTED]” See enclosure (15).

t. On 22 February 2022, Petitioner provided a statement in response to PERS-91 findings indicating he was improperly counseled by the previous PERS-92 point of contact regarding the ability to be commissioned on active duty. Petitioner asserts that the statement in enclosure (5) along with the provided commissioning checklist corroborates misinformation regarding the ability to commission on active duty. Additionally, had he received the correct information from PERS-92, he would have been eligible to commission on 1 November 2019. See enclosure (16).

#### BOARD CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded the Petitioner’s request warrants favorable corrective action. In this regard, the Board determined enclosure (5) and the commissioning checklist did not contain details of the process or ability to

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be commissioned while on active duty as outlined in reference (b). Therefore, the Board felt, under these circumstances, relief is warranted.

#### RECOMMENDATION

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

Petitioner's NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office dated 23 April 2020 was signed on "1 November 2019" vice "23 April 2020."

Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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. The foregoing action of the Board is submitted for your review and action.

4/25//2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

**Reviewed and Approved Board Recommendation (Grant Relief)**

Reviewed and Approved Advisory Opinion Recommendation (Partial Relief)

Reviewed and Denied

5/6/2022

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]