



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

[REDACTED]
Docket No. 4398-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN RET,
XXX-XX [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1900.8 of 28 Jun 93
(c) HUNT system

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 1900 PERS-312 DV of 30 Sep 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 have a Certificate of Release or Discharge from Active Duty (DD Form 214) issued for his complete dates of active duty in the Navy from 22 August 1967 to 31 August 1995.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 March 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 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 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. On 23 August 1967 Petitioner enlisted for 6 years in the Naval Reserve. Furthermore, Petitioner entered active duty on 11 October 1967 for 4 years.

c. Petitioner was issued a DD Form 214N for the period of 11 October 1967 to 23 August 1971.

d. Petitioner was issued a DD Form 214N for the period of 24 August 1971 to 23 May 1977.

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- e. Petitioner was issued a DD Form 214 for the period of 24 May 1977 to 23 April 1984.
- f. Petitioner was issued a DD Form 214 for the period of 24 April 1984 to 6 March 1989.
- g. On 31 August 1992 Petitioner signed an application for transfer to Fleet Reserve with an effective date of 31 October 1993.
- h. On 18 March 1993 Chief of naval Personnel notified Petitioner that his transfer to Fleet Reserve had been authorized effective 31 October 1993.
- i. In accordance with reference (b), the DD 214 is prepared to cover periods of service on active duty, active duty for training, full-time training duty, active duty for special work, certain periods terminated by a change of status not concurrent with separation from active service, and release from a status that is legally determined to be void. The DD 214 will be prepared and furnished to members while serving on active duty when they have a change of status or component as follows; Enlisted Personnel. Discharged to accept permanent appointment to either warrant or commissioned status for continued active duty.
- j. On 31 August 1995, Petitioner honorably transferred to Fleet Reserve upon having sufficient service for retirement.
- k. On 22 November 1993 Chief of Naval Personnel notified President, Physical Evaluation Board that a medical board was referred for Departmental Review with the recommendation 12 months Limited Duty (LIMDU) to expire 21 October 1994. Petitioner had 23 years and 3 months of active duty service. High Year Tenure (HYT) for an E-8 is 26 years. Petitioner's effective date for transfer to the Fleet Reserve on 31 October 1993 was approved 14 September 1992. Because of Petitioner's status, LIMDU was not authorized and Physical Evaluation Board was authorized for determination of fitness for duty.
- l. On 16 March 1994 the President of the Physical Evaluation Board notified Chief of Naval Personnel that the member is found fit to perform the duties of his office, grade, or rank on active duty. Furthermore, the Chief of Naval Personnel (Pers-281) was requested to take appropriate action to continue Petitioner on active duty until such active duty is terminated under other provisions of law or regulation.
- m. On 14 August 1997 the Commanding Officer, Naval Reserve Personnel Center notified Petitioner that upon his completion of 30 years of active/inactive duty service or otherwise meeting eligibility requirements, the Secretary of the Navy authorized his transfer to the Retired List of the Regular Navy/Naval Reserve
- n. 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 no merit and warrants no action.
- o. In accordance with reference (c), Petitioner's retirement transfer date is 31 August 1995.

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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 partial corrective action. The Board agreed with the Advisory Opinion that Petitioner's active duty service began on 11 October 1967 vice 22 August 1967 and he served continuously on active duty until retirement. However, the Board concluded that there is evidence that DFAS is paying Petitioner based on a retirement date of 31 August 1995. Furthermore, a DD Form 214 was issued covering Petitioner's final period of enlistment; however, the copy in his OMPF is illegible. Therefore, the Board determined that the Navy will issue Petitioner a DD Form 214 for the period of 7 March 1989 through retirement.

RECOMMENDATION

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

Petitioner was issued a DD Form 214 for the period of 7 March 1989 through retirement.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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 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.

4/25/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]