



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

TDK
Docket No. 4779-21
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,
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 5400 PERS-836/029 of 28 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 reflect total years of active duty service as 25 years and 4 months.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 January 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, 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. On 12 April 1966, Petitioner was born in [REDACTED] and named [REDACTED].
- b. On 13 October 1988, Petitioner under the fraudulent name of [REDACTED] with social security number (SSN) [REDACTED], enlisted in the Naval Reserve for a term of 8 years of which 4 years was an active duty obligation.
- c. Petitioner entered active duty on 24 October 1988.
- d. On 23 August 1993, Petitioner was released from active duty and transferred to the Navy Reserve. DD Form 214, Certificate of Release or Discharge from Active Duty issued reflecting Petitioner completed 4 years and 10 months of honorable active duty service.

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[REDACTED]

e. On 1 December 1995, Petitioner received United States citizenship under his birth name of [REDACTED] and thereafter issued SSN [REDACTED].

f. On 25 January 1996, Petitioner under birth name [REDACTED], and legally obtained SSN [REDACTED] enlisted in the Naval Reserve for a term of 8 years of which 4 years was an active duty obligation. Petitioner's previous 4 years and 10 months of active duty service and 2 years, 5 months and 13 days of inactive duty service were not captured on enlistment documents.

g. Petitioner entered active duty on 20 February 1996.

h. On 20 July 1999, Petitioner reenlisted for a term of 6 years.

i. On 23 January 2001, Navy Personnel Command (NPC) authorized Petitioner to be retained in service despite defective enlistment and induction of 13 October 1988 enlistment.

j. On 21 June 2004, Petitioner reenlisted for a term of 6 years.

k. On 18 February 2010, Petitioner reenlisted for a term of 6 years.

l. On 4 December 2015, Petitioner reenlisted for a term of 4 years.

m. On 5 April 2016, Petitioner issued authorization message to transfer to the Fleet Reserve on 31 August 2016. Petitioner's previous 4 years and 10 months of active duty service was not accounted for on the statement of service included.

n. Petitioner transferred to the Fleet Reserve effective 1 September 2016; DD Form 214, Certificate of Release or Discharge from Active Duty issued reflecting Petitioner completed 20 years, 6 months and 1 -days of active duty service. However, Block 12d (Total Prior Active Service) indicates "00 years, 00 Months, and 00 Days."

o. On 9 September 2016, Petitioner issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty indicating a modification to Block 12d, "Change to Read: Total Prior Active Service 04 10 00".

p. 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 found Petitioner's record provided sufficient evidence to conclude that [REDACTED] and [REDACTED] is one in the same person. Therefore, the Board determined because Petitioner received a waiver from NPC to continue

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[REDACTED]

serving despite his previous fraudulent enlistment, that he should receive retirement pay compensation to include previous 4 years and 10 months of active duty service; bringing his total active duty service to 25 years, 4 months and 11 days. Additionally, the Board noted Petitioner's pay entry base date (PEBD), and active duty service date (ADBD) were not adjusted accordingly upon reentry on active duty on 20 February 1996, thereby requiring correction as well.

RECOMMENDATION

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

Petitioner's enlistment documents (DD Form 4, Enlistment/Reenlistment Document and DD Form 1966, Record of Military Processing) dated 25 January 1996 are amended to include prior active duty service of service 4 years and 10 months; and 2 years, 5 months and 13 days of inactive service.

Upon reentering active duty on 20 February 1996, Petitioner's PEBD was adjusted to "24 October 1988" vice "21 February 1996" and ADSD was "21 April 1991" vice "21 February 1996."

Petitioner completed "25 years, 4 months, and 11 days" vice "20 years, 6 months and 11 days" total active duty service.

Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine retroactive pay and allowance entitlement.

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.

2/16/2022

[REDACTED]
Deputy Director
[REDACTED]