



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

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Docket No. 6606-21
Ref: Signature Date

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Dear █ █ :

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 26 April 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested an active duty retirement vice the reserve non-disability retirement. Additionally you requested that your DD Form 214, Certificate of Discharge or Release from Active dated 30 September 2011 be updated to reflect "an Active Duty Retirement at the Rank of Chief Petty Officer, E-7 as an ITC (SW/AW/DW) and all awards, medals and ribbons earned." The Board addressed your other requests separately. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that in accordance with Title 10 U.S.C. § 6330, an enlisted member must complete 20 or more years of active service to be eligible for transfer to the Fleet Reserve. Additionally, Chief of Naval Operations Instruction (OPNAVINST) 1811.3 outlined the retirement time in grade requirements—enlisted members serving in pay grades E7-E9 required a minimum of 2 years active duty in grade. A review of your record indicates you discharged on 30 September 2011 with 16 years, 5 months, and 13 days of active duty service and you



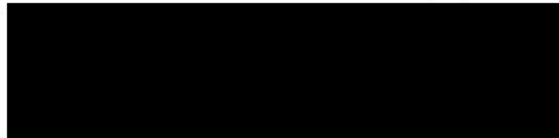
advanced to Information Systems Technician Chief effective 16 April 2010, thereby rendering you ineligible for an active duty retirement. However, the Board found that because you earned over 23 years of qualifying service towards a reserve retirement, you were authorized retirement as a Former Member at age 60 in pay grade E-6, per Title 10 U.S.C. § 12731 and OPNAVINST 1811.3.

Lastly, the Board determined in accordance with Secretary of the Navy Instruction 5420.193, you have not exhausted your administrative recourse to address your concerns with updating your record to reflect the awards, medals, and ribbons earned. You may contact the Navy Personnel Command, My Navy Career Center Customer Service at 1-833-330-6622 or email at askmncc@navy.mil for assistance with this matter.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

5/20/2022



Deputy Director

