



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

[REDACTED]
Docket No. 6909-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1001.39F of 17 Sep 07

Encl: (1) DD Form 149 w/attachments
(2) NPC ltr 5730 PERS 91 of 12 Jan 22
(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 show Petitioner completed 20 years of qualifying service for retirement in the Naval Reserve.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 February 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 15 July 1997, Petitioner enlisted for 8 years in the U.S. Naval Reserve with an Expiration of Obligated Service (EOS) of 14 July 2005.

c. On 9 July 1998, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 8 July 2002 and EAOS of 8 July 2003.

d. On 1 May 2007, Petitioner was honorably discharged upon completion of required active service.

e. On 2 May 2007, Petitioner reenlisted for 3 years in the U.S. Naval Reserve with an EOS of 1 May 2010.

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f. In accordance with reference (b), the date used to determine the anniversary year is established by the date the member entered into active service or into active status in a Reserve component, whichever is earlier. Members with previously established anniversary dates will retain that date as the beginning of their anniversary year.

Members are responsible for ensuring that they accrue at least 50 points each anniversary year to obtain a qualifying year toward retirement. A member's anniversary year most likely does not coincide with fiscal or calendar years.

Per 10 U.S.C., 12731, NAVPERSCOM (PERS-912) will issue an NOE for non-regular service retired pay at or after age 60 to each Navy Reservist not on extended Active Duty. A Reservist must have completed at least 20 years of qualifying service computed under 10 U.S.C., 12732, or completed at least 15 years of qualifying service and was approved for early medical retirement, or must have been previously eligible and approved for retired benefits.

g. On 16 April 2013, Petitioner was advanced to Senior Chief Petty Officer/E-8.

h. On 3 October 2015, Petitioner reenlisted for 6 years in the U.S. Naval Reserve with an EOS of 2 October 2021.

i. On 9 July 2018, Petitioner reported to Active Status Pool RC05.

j. Navy Personnel Command issued a Statement of Service for Navy Reserve Retirement listing an anniversary date of 1 July 1997 with 20 years of qualifying service, and with an ending date of 30 June 2021.

k. On 15 October 2021, Commander, Navy Personnel Command (PERS-91) notified Petitioner that their records indicated that Petitioner was credited with only 17 years of qualifying service as of 17 July 2021. His request to transfer to the retired reserve effective 1 October 2021 was filed with no further action. This gave Petitioner the opportunity to continue his participation in the Navy Reserve until he had completed the statutory requirements for retirement pay at age 60.

l. On 19 November 2021, Navy Personnel Command issued a Statement of Service for Navy Reserve Retirement listing an anniversary date of 15 July 1997 with 18 years of qualifying service, and with an ending date of 14 July 2021. Furthermore, it was noted that Petitioner lost 2 qualifying years ending 14 July 2013 and 14 July 2016.

m. 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 Reserve Retirements Branch (PERS-912) completed a thorough review of Petitioner's Navy Reserve participation record, Official Military Personnel File and documents provided with his petition. During his record review for the issuance of a Notice of Eligibility (NOE), his anniversary had been corrected from 30 June to 14 July to be in compliance with DoDI 1215.07, BUPERSINST 1001.39F, and MILPERSMAN 1820-050 and his enlistment into the Delayed Entry Program on 15 July 1997. The correction resulted in a verified completion of 18 qualifying years toward

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retirement. Navy Retirement Information letter of 15 October 2021 has been verified to be correct.

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 concluded the loss of two satisfactory years was due to an initial administrative error, which was properly corrected, however, Petitioner's participation was based on the erroneous anniversary date and the correction was made after he believed he had established 20 satisfactory years.

RECOMMENDATION

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

The record of discharge from the U.S. Naval Reserve, is rescinded.

Petitioner completed all training and administrative requirements to include 50 points for the anniversary year ending 14 July 2013. Note: to accomplish this, points must be transferred from previous or subsequent anniversary year as appropriate.

Petitioner completed all training and administrative requirements to include 50 points for the anniversary year ending 14 July 2016. Note: to accomplish this, points must be transferred from previous or subsequent anniversary year as appropriate.

Petitioner was transferred to the retired reserve, without pay, effective 1 October 2021. Petitioner completed 20 years of qualifying service.

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.

3/17/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]