



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

██████████
Docket No. 7262-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████
USNR, ██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 10 U.S.C. § 12731 (2019)

Encl: (1) DD Form 149 w/attachments
(2) NPC ltr 5730 PERS-91 of 27 Dec 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 show Petitioner's anniversary year ending 5 July 2019 was a satisfactory year with an additional 2 gratuity points, that his Statement of Service be updated, and that Petitioner be issued a Notice of Eligibility (NOE) for retirement.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 8 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 27 January 1984, Petitioner enlisted in the U.S. Naval Reserve for 6 years with an Expiration of Obligated Service (EOS) of 26 January 1990.

c. On 9 October 1984, Petitioner entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 8 October 1988.

d. On 21 October 1988, Petitioner was honorably released from active duty and transferred to the Inactive Naval Reserve.

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e. On 19 September 1992, Petitioner reenlisted for 6 years with an Expiration of Reserve Enlistment (EREN) of 18 September 1998.

f. On 27 December 1995, Petitioner was honorably discharged by reason of selected changes in service obligation.

g. On 15 November 2003, Petitioner reenlisted for 6 years with an EREN of 14 November 2009. Note: Reenlisted this date under the provisions of the Navy Veteran (NAVET) Incentive Program to incur a minimum of thirty-six months obligated service in the permanent rate of ITSN, and temporarily advanced to the rate of IT2.

h. On 19 November 2009, Petitioner signed an agreement to extend enlistment for 6 months with an EREN of 14 May 2010 in order to continue in the Naval Reserve.

i. On 11 April 2010, Commander, Navy Personnel Command notified Petitioner that he requested transfer to the Retired Reserve effective 1 May 2010. Their records indicate Petitioner was credited with only 13 years, 11 months, and 29 days of qualifying service as of 18 March 2010.

Petitioner's transfer to the Retired Reserve as requested would prevent him from completing the service requirements of Title 10 U.S.C. § 12731, therefore, his application will be filed with no further action. This will give Petitioner the opportunity to continue his participation in the Navy Reserve until he has completed the statutory requirements for retirement pay at age 60.

j. On 14 May 2010, Petitioner reenlisted for 4 years with an EREN of 13 May 2014.

k. On 4 February 2013, Commander, Navy Personnel Command notified Petitioner that their records indicate that Petitioner has not completed his FY12 Individual Ready Reserve (IRR) Annual virtual Screening as directed via previous correspondence. Any member of the ready reserve who fails to complete his/her annual virtual screening shall be designated an "unsatisfactory participant". Therefore, Petitioner has been designated as such and is hereby transferred to the Standby Reserve in an inactive status (USNR-S2).

While in a USNR-S2 status, Petitioner is not authorized to earn retirement points or be considered for advancement. At the completion of his military service obligation (MSO) or expiration of current enlistment contract, Petitioner will be discharged from the Navy. While in a USNR-S2 status, Petitioner is still subject to involuntary recall based on the needs of the Navy.

If Petitioner would like to be considered for a transfer back into the IRR, he may request to do so, only after completing his FY12 IRR Annual Virtual Screening as previously directed.

l. On 13 May 2014, Petitioner was discharged.

m. On 31 March 2016, the Chairman Board for Correction of Naval Records to Secretary of the Navy directed Navy Personnel Command to approve Petitioner's high year tenure (HYT) waiver in order to serve in the SELRES, USNR S1, or VTU not to exceed (NTE) 20 total years

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of qualifying service. Note: this is contingent that Petitioner meets age restrictions, is medically qualified, and not barred by any other policy.

n. On 6 July 2016, Petitioner was reinstated, effective 14 May 2014 for a term of 2 years with an extension of reenlistment and a contract end date of 13 May 2019.

o. In accordance with reference (b), except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person has attained the eligibility age applicable under subsection (f) to that person; has performed at least 20 years of service computed under section 12732 of this title; in the case of a person who completed the service requirements of paragraph (2) before April 25, 2005, performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed the service requirements of paragraph (2) before October 5, 1994, the number of years of such qualifying service under this paragraph shall be eight; and is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

p. On 13 May 2019, Petitioner was honorably discharged from the U.S. Naval Reserve.

q. On 22 December 2021, Nay Personnel Command issued a Statement of Service for Navy Reserve Retirement that listed an unsatisfactory year ending 13 May 2019 vice 5 July 2019 with 48 points.

r. 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. Petitioner previously received relief by BCNR on 31 March 2016 granting him a HYT waiver in order to serve in the SELRES, USNR S1, or VTU not to exceed (NTE) 20 total years of qualifying service. On 6 July 2016, Petitioner was reinstated, effective 14 May 2014 for a term of 2 years with an extension of reenlistment and a contract end date of 13 May 2019. Petitioner's new anniversary year start date was established as 6 July 2016. The Board concluded that Petitioner was separated at the end of his contract, which was prior to completing a satisfactory year. Furthermore and he had not requested an extension or reenlistment to reach the end of his anniversary year. If Petitioner had requested an extension of 3 months in order to retire, PERS-93 would have granted his retirement request.

RECOMMENDATION

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

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

Petitioner was discharged on 13 May 2014 and reenlisted, on 14 May 2014 for a term of 5 years with an EREN of 13 May 2019. Note: Remove all reenlistment contracts and agreements to extend enlistments after 14 May 2010. This will change Petitioner's anniversary year to a starting date of 5 February 2013 (After returning from the Inactive Status List). Furthermore, Petitioner will be credited with membership points from 14 May 2014 until date of retirement. Finally, Petitioner earned satisfactory years after completing all training and administrative requirements to include 50 points for the anniversary year ending 4 February 2017, 4 February 2018, and 4 February 2019.

Petitioner executed an agreement to extend enlistment for 3 months with an EREN of 13 August 2019.

Petitioner was transferred to the retired reserve, without pay, effective 31 July 2019. Petitioner completed over 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.

4/5/2022

[REDACTED]

Deputy Director
[REDACTED]