



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

[REDACTED]
Docket No. 725-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552
(b) BUPERSINST 1900.2H of 3 Sep 74

Encl: (1) DD Form 149 w/attachments
(2) DD Form 4, Enlistment Contract – Armed Forces of the United States,
19 March 1975
(3) NAVPERS 1070/613, Administrative Remarks, 3 July 1975
(4) Enlisted Performance Record
(5) NAVPERS 1070/622, 6 April 1976
(6) NAVPERS 1070/622, 20 March 1978
(7) NAVPERS 1070/622, 2 August 1979
(8) DD Form 256N, 18 March 1981 of 18 Mar 81
(9) NPRC Letter, RE: [Petitioner], Request Number: 2-23720121283, 6 January 2022
(10) NPC Memo 1900 PERS-312/DV, subj: Request for Advisory Opinion in the case of
[Petitioner], 3 March 2022

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, hereinafter referred to as the Board, requesting his naval record be corrected to issue him a DD Form 214.
2. The Board reviewed Petitioner's allegations of error or injustice on 3 May 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on Petitioner's naval record. Documentary material considered by the Board included the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.
3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review Petitioner's application on its merits.

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

c. On 19 March 1975, Petitioner enlisted in the U.S. Naval Reserve (USNR) for a period of six years with an Expiration of Obligated Service (EOS) date of 18 March 1981. See enclosure (2).

d. On 3 July 1975, Petitioner entered active duty for initial recruit training. This training was successfully completed on 12 September 1975. See enclosure (3). Upon completion of his initial recruit training, Petitioner reported for the Aviation Electrician training at the Naval Air Technical Training Center (NATTC) in [REDACTED] which he completed in March 1976. See enclosure (4).

e. On 6 April 1976, Petitioner executed an agreement to remain on active duty for a period of four months beyond his end of active obligated service (EAOS) date.¹ See enclosure (5).

f. On or about 15 July 1976, Petitioner reported for duty as an Aviation Electrician's Mate Airman Apprentice (AEAA) with Helicopter Combat Support Squadron (HELCSUPPRON) [REDACTED] See enclosure (4).

g. On 16 May 1977, Petitioner reported for duty as an onboard the [REDACTED] [REDACTED] as an Aviation Electrician's Mate Airman (AEAN). See enclosure (4).

h. On 20 March 1978, Petitioner executed an agreement to remain on active duty for a period of nine months beyond his EAOS to have sufficient obligated service for assignment as a Naval Aircrewman.² See enclosure (6).

i. On 2 August 1979, Petitioner executed an agreement to remain on active duty for one month beyond his EAOS to have sufficient time to complete a cruise.³ See enclosure (7).

j. Petitioner's enlisted service record reflects that his final trait averages were calculated on 15 August 1979, and that he was recommended for reenlistment on that date. His overall trait averages would meet the requirements for an honorable discharge at the time. See enclosure (4).

k. On 18 March 1981, Petitioner was honorably discharged from the USNR upon his EOS, and was issued a DD Form 256N. See enclosure (8).

l. By letter dated 6 January 2022, the National Personnel Records Center responded to Petitioner's request to provide his Official Military Personnel File. This letter reported that Petitioner was not issued a DD Form 214 because he "had no active service or less than 90 consecutive days of active duty for training." See enclosure (9).

¹ This agreement extended Petitioner's EAOS date four months beyond his 36 months of active obligated service, which would have extended his EAOS date to 2 November 1978.

² This agreement extended Petitioner's EAOS date nine months beyond his 40 months of active obligated service which resulted from his previous 6 April 1976 agreement, which would have extended his (soft) EAOS date to 2 August 1979.

³ This agreement extended Petitioner's EAOS date one month beyond his 49 months of active obligated service which resulted from his previous 20 March 1978 agreement, which would have extended his (soft) EAOS date to 2 September 1979.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████, USNR, XXX-XX-██████

m. Petitioner contends that he served on active duty for four years and on inactive duty for two years, and that he did not know that his recruiter had enlisted him in the USNR (vice the Regular Navy). He requests relief so that he can receive credit for his four years of active service. See enclosure (1).

n. By memorandum dated 23 March 2022, PERS-312 provided an advisory opinion (AO) for the Board's consideration, recommending that Petitioner's request be disapproved. The basis for this recommendation was that Petitioner's date of release from active duty, characterization of service, separation authority, and reentry code could not be determined.⁴ See enclosure (10).

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board found an injustice warranting relief. Petitioner's naval record clearly reflects that he served on active duty in the Navy from 3 July 1975 until his adjusted EAOS on 2 September 1979. He was, therefore, clearly eligible for the issuance of a DD Form 214 at that time in accordance with reference (b).

The Board did not agree with the conclusion of the AO that Petitioner's date of release from active duty, characterization of service, separation authority, and reentry code could not be determined from the record. This information was readily available from the enclosures listed above. Specifically, Petitioner's date of release from active duty was 2 September 1979, as discussed in paragraph 3i above. His characterization of service is evidenced by the fact that he received an honorable discharge certificate upon his EOS. His separation authority was obviously his EAOS. Finally, Petitioner's enlisted performance record reflects that he was recommended for reenlistment upon his release from active duty. Accordingly, the Board found sufficient evidence to determine the information that the AO found to be lacking.

RECOMMENDATION:

In view of the above, the Board recommends, contrary to the AO provided, that the following corrections be made to Petitioner's naval record:

That Petitioner be issued a DD Form 214 reflecting his active service in the Navy from 3 July 1975 through 2 September 1979; that his service during this period was characterized as honorable; that his separation authority was his EAOS (with the equivalent authority in place at the time); and that his reentry code was RE-1 (or the equivalent at the time).

That a copy of this record of proceedings be filed in Petitioner's naval record.

That no further changes be made to 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 titled matter.

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

5. The foregoing action of the Board is submitted for your review and action.

5/31/2022

[REDACTED]

Executive Director

ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

Board Recommendation Approved (Grant Relief)

Board Recommendation Disapproved (Relief is denied in accordance with the AO provided by Navy Personnel Command.)

7/20/2022

[REDACTED]

Acting Assistant General Counsel (M&RA)

Signed by: [REDACTED]