



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

█
Docket No. 1962-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DODFMR, Vol 7A
(c) MILPERSMAN 1160-120
(d) BUPERSINT 1001.39F
(e) COMNAVCRUITCOMINST 1130.8K

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 5730 PERS-91 undated
(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 establish construct service credit to obtain 20 qualifying years for a reserve retirement. Alternatively, Petitioner request to establish authorization for reenter the Navy Reserve to earn 1-year of qualifying service to retire.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 11 May 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, to include references (b) through (e)¹.

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 13 November 1992, Petitioner enlisted in the Navy Reserve for a term of 8 years of which 4 years was an active duty obligation. Petitioner discharged on 12 November 2000 and enlisted in the Navy Reserve on 27 November 2000 for a term of 2 years. Petitioner had 14 days break in service.

b. Petitioner discharge on 26 November 2000 and enlisted in the Navy Reserve on 20 December 2002 for a term of 2 years. Petitioner had 23 days break in service.

¹ Reference (b), constructive service credit is only authorized for some medical and dental officers for longevity purposes to reflect the time spent in medical or dental school. Reference (c), High Year Tenure (HYT) for Sailors in paygrade E-5 is 20 years length of service from Pay Entry Base Date for Reserve members. USNR and USNR-S1 (E-4 to E-6) personnel with an approved HYT waiver may remain in the Voluntary Training Unit (VTU) as approved, unless barred by policy or age restriction, until, and contingent upon, achieving 20 total years qualifying service (TYQS). Reference (d) indicates, "Normally, enlisted members of the Navy Reserve are not eligible for retention in an active status (i.e. USNR-R or USNR-S1) after attaining 60 years of age." Reference (e) does not specify an age requirement for Reserve Component applicants with prior service. However, the applicant "Must be able to complete 20 year of qualifying service prior to age 60."

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USNR, XXX-XX-[REDACTED]

c. On 6 May 2012, Petitioner executed his last Navy Reserve reenlistment for a term of 3 years.

d. On 5 May 2015, Petitioner discharged with 19 TYQS a Electronics Technician Second Class (ET2)/E-5.

e. On 11 May 2015, Navy Personnel Command (PERS-93) denied Petitioner's request to reenlist in the Individual Ready Reserve.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2)², the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that because Petitioner earned 19 TYQS, he should have received authorization to extend his reenlistment to earn the last year of qualifying service to transfer to the Retired Reserve without pay. Therefore, the Board felt, under these circumstances partial relief is warranted.

RECOMMENDATION

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

Petitioner, in coordination with Navy Recruiting Command and Navy Personnel Command (PERS-913), applied for and was approved for a HYT waiver to enlist in the Navy Reserve VTU. Note: Petitioner must apply, and be found fit for enlistment in the Navy Reserve VTU through a Navy Recruiter within 90 days of receiving this decision document.

The part of the Petitioner's request for corrective action that exceeds the foregoing is denied. Petitioner does not meet constructive service credit criteria in accordance with reference (b), thereby ineligible to transfer to the Retired Reserve with 19 TYQS.

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.

6/20/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]

² 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.