



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

[REDACTED]
Docket No. 3844-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) 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 eligibility to transfer to the Retired Reserve with pay.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 June 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, 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. Petitioner served on active duty from 19 December 1983 through 18 December 1989.
- b. Petitioner served in the Navy Reserve from 28 December 1989 through 27 December 1995.
- c. On 13 June 1996, Petitioner enlisted in the Navy Reserve for a term of 6 years and thereafter executed a 24-month extension.
- d. On 15 May 2004, Petitioner reenlisted for a term of 6 years and end of obligated service was 14 May 2010.
- e. On 10 December 2007, Navy Personnel Command (PERS-912) issued Petitioner Retirement Order and Transfer Authorization to Retired Reserve Status effective 1 January 2008.
- f. Petitioner transferred to the Retired Reserve without pay effective 1 January 2008.
- g. On 26 December 2021, Petitioner applied for transfer to the Retired Reserve with pay.
- h. On 2 February 2022, Petitioner turned age 60.

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i. On 29 April 2022, Navy Personnel Command (PERS-912) denied Petitioner's request to transfer to the Retired Reserve without pay, sighting administrative error with the issuance for Retirement Order and Transfer Authorization to Retired Reserve Status dated 10 December 2007. Petitioner's statement of service dated 29 April 2022 reflects 19 years, 6 months, and 18 days of qualifying service, thereby not meeting the 20-year requirement outlined in reference (b).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner did not meet the criteria to transfer to Retired Reserve status in accordance with reference (b). However, the Board concluded Petitioner had enough time remaining on contract to earn the qualifying time if Navy Personnel Command (PERS-912) did not make aforementioned error. Therefore, the Board felt under these circumstances, relief is warranted.

RECOMMENDATION

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

Petitioner transferred to the Retired Reserve without pay effective "1 July 2008" vice "1 January 2008."

One (1) Inactive Point was transferred from anniversary year ending 12 June 2007 to the anniversary year ending 12 June 2008.

Petitioner earned "15" vice "8" gratuity points for anniversary year ending 12 June 2008.

Petitioner submitted request to transfer to the Retired Reserve with pay effective 2 February 2022 and cognizant authority approved it.

Petitioner transferred to the Retired Reserve with pay effective 2 February 2022.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's record to determine retroactive pay and allowances entitlement.

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.

7/8/2022

[REDACTED]
Deputy Director
[REDACTED]