



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

[REDACTED]
Docket No. 4049-22
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 5730 PERS-91, 29 Jun 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 her naval record be corrected to reflect anniversary year as 4 November vice 24 July in order to be eligible for non-regular retirement.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 August 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 3 November 1977, Petitioner enlist in the Naval Reserve for 4 years with obligation to serve for a total of six years, unless sooner discharged, and that any part of such service that is not on active duty or active duty for training shall be performed in the Reserve component.

b. On 7 December 1977, Petitioner is discharged from the Reserve component for enlistment in the Regular component for 4 years effective 8 December 1977.

c. On 7 December 1981, Petitioner honorably discharged from active duty without a Reserve obligation termination date and "fulfillment of service obligation" for narrative reason for separation.

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

d. On 24 July 2003, Petitioner enlisted in Naval Reserve for a term of 3 years.

e. On 11 January 2019, Navy Personnel Command (PERS-913) approved Petitioner to be retained beyond age 60 until [REDACTED].

f. On or after [REDACTED], Petitioner's Statement of Service for Navy Reserve Retirement is published. It reflects anniversary year beginning on 4 November 1977 through 7 December 1981. It reflects Petitioner's anniversary start date beginning on 24 July 2003 due to reentry into Naval Reserve service, however, it changed back to [REDACTED]. The anniversary start date remains [REDACTED] until the end date of [REDACTED]. This Statement of Service reflects 20 years, 4 months, and 15 days of qualifying service with only one unsatisfactory anniversary year ending [REDACTED] with 42 total points.

g. On 11 November 2020, Petitioner is discharged from the Navy Reserve.

h. On 17 June 2022, Petitioner's Statement of Service for Navy Reserve Retirement certified with correction to anniversary dates reflecting 3 November 1977 until discharge 7 December 1981 and 24 July 2003 until discharge on 11 November 2011. This corrected statement of service now reflects 18 years, 4 months, and 23 days of qualifying service with three unsatisfactory anniversary years ending 23 July 2013, 2014, and 2016.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2),¹ the Board finds the existence of an injustice warranting the following corrective action. The Board concluded the required adjustment to Petitioner's anniversary year, resulting in the redistribution of points that and un-qualifying years of service. However, the Board felt that changing the anniversary back to 4 November would be inappropriate; therefore, under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner's Statement of Service is amended to reflect anniversary years ending 23 July 2013 and 23 July 2016 have 50 total points for each year and each year is a qualifying year of service. Note: This change will result in Petitioner earning "20 years, 4 months and 23 days" of qualifying service vice "18 years, 4 months, and 23 days."

Petitioner was authorized transfer to the Retired Reserve with pay effective 1 November 2020 vice discharge on 11 November 2020. Note: Petitioner must contact Navy Personnel Command (PERS-912) at 1-833-330-6622 to complete the application process for retired pay.

¹ 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.

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

The part of Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with reference (b).²

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.

[REDACTED] 9/2/2022

Deputy Director

Signed by: [REDACTED]

² 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. Additionally, the start date (month and day) for each successive anniversary year will not be adjusted unless a member has a break in service. A break in service occurs only when a member transfers to the Inactive Status List, the temporary disability retired list, the Retired Reserve, or discharged for a period greater than 24 hours. There is no break in service if a member transfers directly to another regular or Reserve service. Effective 1 October 1995, when a member with a break in service returns to an active Reserve status or to active service, the revised anniversary year start date shall be the date of return or reentry.