



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

[REDACTED]
Docket No. 4555-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 10 U.S.C. § 12301(d)
(c) Title 10 U.S.C. § 1145

Encl: (1) DD Form 149 w/attachments
(2) CNRFC ltr 5420 Ser N1/346 of 24 Aug 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 his naval record be corrected to reflect executing Mobilization (MOB) orders vice Active Duty for Training (ADT) orders 19 April 2020 to 21 August 2020.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 13 September 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. Reference (b) indicates, "At any time, an authority designated by the Secretary concerned may order a member of a reserve component under his jurisdiction to active duty, or retain him on active duty, with the consent of that member."

b. Reference (c) transitional health care benefits applies to a member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30-days.

c. On 18 April 2020, Petitioner issued ADT–Mobilization (MOB) for a period of duty from 19 April through 19 May 2020.

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d. On 19 April 2020, Petitioner entered active duty.

e. On 7 May 2020, Petitioner issued first modification to ADT-MOB orders for a period of duty from 19 April 2020 through 31 July 2020.

f. On 8 June 2020, [REDACTED], [REDACTED] certified that Petitioner deployed onboard the vessel from 7 May 2020 through 8 June 2020.

g. On 25 June 2020, Petitioner issued third modification to ADT-MOB order for a period of duty from 19 April 2020 through 15 August 2020.

h. On 12 August 2020, Petitioner issued fourth modification to ADT-MOB order for a period of duty from 19 April 2020 through 21 August 2020.

i. On 15 August 2020, [REDACTED], [REDACTED] certified that Petitioner deployed onboard the vessel from 9 June 2020 through 19 August 2020.

j. On 21 August 2020, Petitioner was released from active duty and transferred to the Navy Reserve.

k. On 10 September 2020, Petitioner issued fifth modification to ADT-MOB order indicating, "YOU ARE HEREBY ORDERED TO REPORT FOR ACTIVE DUTY FOR TRAINING PURSUANT TO TITLE 10 USC SECTION 12301/D/, IN SUPPORT OF [REDACTED]."

l. On 7 May 2021, [REDACTED] Reporting Senior signed a Detachment of Individual fitness report on the Petitioner for the period of 13 April 2020 to 21 August 2020 indicating he augmented to [REDACTED]. Further stating "His efforts directly contributed to there being ZERO COVID-19 impact to MSC's most critical missions, showcasing the strength and agility of the SSOF!"

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 sufficient evidence was provided to reflect Petitioner executed active duty orders in support of the COVID-19 response, therefore, under these circumstances relief is warranted.

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.

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RECOMMENDATION

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

Petitioner's Modification to ADT-MOB order ([REDACTED]
[REDACTED]) was issued prior to release from active duty on 21 August 2020 [vice 10 September 2020] and reflects the following additional verbiage to paragraph 9, "These orders are in support of a contingency operation and trigger transitional health care benefits under 10 U.S.C. 1145."

Petitioner issued DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty dated 21 August 2020 removing "...FOR TRAINING" from Block 18 (Remarks) and removing "...for Training (ADT)" from Block 23 (Type of Separation). Note: Petitioner is entitled to benefits under reference (c).

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.

10/19/2022

