



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

█
Docket No. 4562-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
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Ref: (a) 10 U.S.C. § 1552
(b) BUPERSINST 1001.39F

Encl: (1) DD Form 149 w/attachments
(2) DD Form 214, 1 Oct 13
(3) History of Assignments
(4) Statement of Service, 11 Jul 22
(5) IDT Detail Review
(6) Member Data Summary
(7) Advisory Opinion by NPC (PERS-91), 1 Aug 22
(8) BCNR Advisory Opinion email, 11 Aug 22

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 move 15 Annual Training (AT) points from anniversary year ending 1 July 2016 to 1 July 2017 to earn a qualifying year of service.

2. The Board reviewed Petitioner's allegations of error and injustice on 15 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 enclosures (1) through (8), relevant portions of Petitioner's naval records, 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 29 October 2007 through 28 October 2013 and thereafter transferred to the Individual Ready Reserve to complete his military service obligation. Enclosure (2).

b. On 17 January 2014, Petitioner affiliated with the Selected Reserve. Enclosure (3).

c. On 1 July 2016, Petitioner's anniversary year ending this date reflects 57 inactive duty training (IDT) periods, 15 membership points and 29 AT/Active Duty for Training (ADT) points for a total of 101 points and a qualifying year of service. Enclosure (4).

d. On 1 July 2017, Petitioner's anniversary year ending this date reflects 28 IDT periods, 15 membership points and zero (0) AT/ADT points for a total of 43 points and no qualifying year of service. IDT Detail Review reflects Petitioner completed seven of the 12 months of drill participation within his anniversary year. Enclosures (4) and (5).

e. On 1 July 2022, Petitioner earned 14 years, 00 months, and 00 days total years of qualifying service (TYQS) with an expiration of reserve enlistment of 21 January 2026. Enclosures (4) and (6).

f. On 1 August 2022, Navy Personnel Command (PERS-91) provided an unfavorable advisory opinion to enclosure (1). PERS-91 recommended disapproval, in accordance with BUPERINST 1001.39F¹ and MILPERSMAN 1820-050, participation is posted based on the date completed. "There has been no evidence of completed participation missing from his participation record." On 11 August 2022, Petitioner was afforded an opportunity to submit a rebuttal to the advisory opinion, but did not do so. Enclosures (7) and (8).

MAJORITY CONCLUSION

Upon review and consideration of all the evidence of record, and despite the contents of enclosure (7), the Board Majority finds the existence of an injustice warranting the following corrective action. In this regard, the majority determined Petitioner's statement, enclosure (1), provided a strong argument of annually meeting the minimum requirements. The majority felt, Petitioner might have lacked understanding of his anniversary requirements to earn a qualifying year of service and the impact of participation scheduling, therefore, relief is warranted.

MAJORITY RECOMMENDATION

In view of the foregoing, the Board Majority recommends the following corrective action:

Petitioner's anniversary year ending 1 July 2016 is amended to reflect completion of "14" vice "29" AT/ADT points for a total of "86" vice "101" points.

Petitioner's anniversary year ending 1 July 2017 is amended to reflect completion of "15" vice "0" AT/ADT points for a total of "58" vice "43" points.

Note: This change will result in Petitioner earning "15" vice "14" TYQS as of 1 July 2022.

¹ Reference (b), members are responsible for ensuring that they accrue at least 50 points each anniversary year to obtain a qualifying year toward retirement. A member's anniversary most likely does not coincide with fiscal or calendar years. In an anniversary year in which fewer than 50 points are credited, the earned points are added to the cumulative retirement point total, but the anniversary year is not a qualifying year creditable for earning a non-regular retirement. Additionally, drills adjudicated as authorized absences does not change the requirement that an anniversary year have 50 points to be a qualifying year toward retirement.

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[REDACTED]

That no further correction action be taken on Petitioner's naval record.

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

MINORITY CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (7), the Board Minority concluded Petitioner's request does not warrant favorable action. The minority determined reference (b) clearly outlines the participation requirements to garner a qualifying year of service toward a non-regular retirement. The minority noted Petitioner is a Petty Officer First Class/E-6 who earned two qualifying years of service since joining the Selected Reserve. Additionally, Petitioner did not provide the Board with documents to explain why he only participated in 28 IDT periods during the anniversary year in question. Therefore, under these circumstances relief is not warranted.

MINORITY RECOMMENDATION

In view of the foregoing, the Board Minority recommends that no corrective action be taken on 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. The foregoing action of the Board is submitted for your review and action.

10/3/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Majority Recommendation (Grant Relief)

Reviewed and Approved Board Minority Recommendation (Deny Relief)

10/27/2022

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]