



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

[REDACTED]
Docket No. 5229-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR [REDACTED],
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 3620100 of 1 May 89

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 show Petitioner completed two years of active service.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 23 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, finds as follows:

a. On 12 January 1987, Petitioner enlisted for 8 years in the Naval Reserve (USNR) with an expiration of obligated service of 11 January 1995. Furthermore, Petitioner signed a NAVCRUIT 1133/17 (Annex "B") to the following: "I am enlisting in the USNR in the Navy SEA/COLLEGE Program and agree to serve 2 years on active duty, and 6 years in the Ready Reserve, of which 4 years will be spent as a Selected Reserve (Category D), Individual Mobilization Augmentee with the remaining 2 years in the Individual Ready Reserve (IRR).

b. Petitioner was released from active duty with an honorable character of service and was issued a Certificate of Release or Discharge from Active duty (DD Form 214) for the period of 20 May 1987 to 15 May 1989 for separation USNR within 3 months of term of obligated service.

c. On 2 September 1993, Petitioner transferred to the IRR due to his own request/completion of mandatory obligation on 30 May 1993.

d. On 11 January 1995, Petitioner was discharged from the USNR.

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[REDACTED]

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b),¹ and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was released from active duty 4 days short of his active duty obligation, which impacted his future Department of Veterans Affairs (VA) health care benefits. The Board found no evidence Petitioner received any counseling regarding being released early and its effect on VA health care benefits eligibility, and agreed that Petitioner would not likely have agreed to be released from active duty early if he had known that he was required to complete 24 continuous months or the full period for which called to active duty. Therefore, although there is no error in Petitioner's record, the Board felt that relief is warranted.

RECOMMENDATION

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

The DD Form 214 executed on 15 May 1989 listed block 12a (Date entered AD this period) "19 May 1989" vice "15 May 1989." Note: That any other entries affected by the Board's recommendation be corrected.

Note: Defense Finance & Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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.

9/1/2022

[REDACTED]

¹ Reference (b), under the following circumstances, commanding officers are authorized to separate, or transfer personnel for separation within 90 days of the expiration of a member's active duty obligation or expiration of obligated service without reference to NAVMILPERSCOM.