



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

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Docket No. 8310-22
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 28 March 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

You were released from active duty and transferred to the Naval Reserve with an honorable character of service and were issued an Armed Forces of the U.S. Report of Transfer or Discharge (DD Form 214N) for the period of 15 June 1966 to 17 May 1968. On 14 June 1972 you were honorably discharged from the U.S. Naval Reserve. On 25 September 1976 you reenlisted for 2 years in the U.S. Naval Reserve with an end of current contract (ECC) of 24 September 1978 at which time you were honorably discharged from the U.S. Naval Reserve. On 26 February 1979 you reenlisted for 6 years in the U.S. Naval Reserve with an ECC of 25 February 1985. On 21 December 1984 you signed an agreement to extend enlistment for 24 months, with an ECC of 25 February 1987. On 24 January 1987 you reenlisted for 6 years in the U.S. Naval Reserve with an ECC of 23 January 1993. On 23 January 1993 you were honorably discharged from the U.S. Naval Reserve.

In accordance with Title 10 U.S.C. section 12731 (age and service requirements), (a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—(1) is at least 60 years of age; (2) has performed at least 20 years of service computed under section 12732 of this title; (3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title,

but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and (4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

In accordance with Title 10 U.S.C. section 12732 (Entitlement to retired pay; computation of years of service) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following. The person's years of service, before July 1, 1949, in the following: (A) The armed forces. (E) The Naval Reserve Force.

Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis: (A) One point for each day of active service; or full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned if that service conformed to required standards and qualifications.

On 10 March 2023, a Statement of Service for Navy Reserve Retirement was issued listing 4 years, 11 months, and 3 days of *qualifying years of service*.

You requested that you be provided with a retirement eligibility letter in order to re-apply for retirement, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that although your record shows that you were affiliated with the Naval Reserve for over 20 years, your statement of service shows that you had only 4 years, 11 months, and 3 days of qualifying years of service. In accordance with 10 U.S.C. section 12732, a qualifying year is a year in which a minimum of 50 points is earned. Because you did not earn 20 qualifying years of service, you are not eligible for retirement.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

4/4/2023

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Deputy Director

Signed by: █