



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

██████████
Docket No. 8856-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1131-040, 26 Jul 13

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NPC (PERS-80), 2 Feb 23
(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 show Petitioner's Reserve affiliation date is 1 October 2022 in order to remove break in service between Active Duty affiliation and Reserve affiliation.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 23 February 2023 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 14 June 2010 Petitioner enlisted in the U.S. Naval Reserve for 8 years with an expiration of obligated service of 13 June 2018 under the following program: Baccalaureate degree completion program (BDCP) service agreement, designator 137007, NAVCRUIT 1131/100, Revision 01/08.

b. On 7 October 2011 Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as an Ensign with a permanent grade date/present grade date of 7 October 2011 with a designator code of 1370 (An Unrestricted Line Officer who is in training for duty involving flying as a Naval Flight Office).

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c. In accordance with reference (b), active duty (AC) officers who request separation from the Navy and have satisfied their military service obligation (MSO) may request appointment in the Navy Reserve before separation. AC officers who submit a voluntary resignation and who have not satisfied their MSO will be automatically considered for appointment in the Navy Reserve.

Favorable action on resignation requests from officers who have not satisfied their MSO will normally be contingent upon their acceptance of a Navy Reserve appointment (if tendered).

Separation orders will specify whether the member has or has not been approved for a Navy Reserve appointment, and whether separation is contingent upon acceptance of a Navy Reserve appointment.

The appointment will be forwarded to the member by NAVPERSCOM, Officer Programs Branch (PERS-831) and is to be effected the day after separation.

The Navy Reserve appointment shall be in the same grade, with the same date of rank, and normally in the same designator category as that held in the AC.

d. Petitioner resigned 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 14 June 2010 to 30 September 2022 upon completion of required active service.

e. On 21 October 2022 Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the inactive U.S. Naval Reserve as a Lieutenant Commander with a permanent grade date/present grade date of 1 December 2021 with a designator code of 1325 (An Unrestricted Line Officer who is qualified for duty involving flying heavier-than-air or heavier and lighter-than-air type aircraft as a Naval Flight Officer).

f. In the advisory opinion, attached as 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.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that due to no fault of Petitioner, PERS-804 was late in submitting a reserve appointment scroll with memorandum that included a projected date of appointment after Petitioner's approved resignation date. Had PERS-804 submitted the reserve appointment scroll in a timelier manner ahead of Petitioner's resignation date, the scroll could have been approved by the Secretary of Defense and NAVPERS 1000/4 could have been issued by PERS-806 prior to Petitioner's discharge from active duty to prevent a break in service.

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[REDACTED]

RECOMMENDATION

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

Petitioner's record be corrected to modify his appointment acceptance date in the Navy Reserve to the date immediately following the date of his discharge from active duty, so his record reflects continuous service from the Active Duty List to the Reserve Active Status List.

Note: This change authorizes the NPC to make appropriate adjustments to Petitioner's transfer of Post-9/11 GI Bill education benefits obligation end date, Transitional Assistance Management Program record, and drill pay, as applicable.

No conclusion, recommendation, or provision in this decision is to be interpreted as expressly or impliedly granting any other rights, privileges, or standing to Petitioner to change, modify, or correct any additional military record that is not included in the corrected records necessary to effectuate the specific enumerated relief in this case.

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's records, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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.

3/8/2023

[REDACTED]

Deputy Director

[REDACTED]