



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

[REDACTED]
Docket No. 1739-23
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) BUPERSINST 1001.39F

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NPC (PERS-9), 31 Mar 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 establish a satisfactory qualifying year of service for the anniversary year ending 22 May 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 April 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. 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. In accordance with reference (b), members with a previously established anniversary dates will retain that date as the beginning of their anniversary year. There are exceptions in case of officers with Reserve service as a cadet or midshipman at a service academy or in the Reserve Officers Training Corps program, the date for the start of a member's initial anniversary year will be established as the date the member entered into active service or active status minus any service as a cadet or midshipman.

b. Petitioner attended the U.S. Navy Academy from 1 July 1999 through 22 May 2003.

c. On 23 May 2003, Petitioner commissioned and entered active duty.

d. On 10 September 2018, Petitioner signed NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office for Navy Reserve Commission.

e. On 30 September 2018, Petitioner resigned from active duty, and affiliated with [REDACTED] in an inactive duty training status effective 1 October 2018.

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f. On 4 February 2023, Petitioner's Annual Retirement Point Record (ARPR) reflects an erroneous anniversary date of 7 November with anniversary years ending 6 November 2019, 2020, 2021, and 2022 as satisfactory qualifying years for retirement with 198, 87, 63, and 61 total reserve points.

g. On 25 February 2023, Petitioner's ARPR reflects a corrected anniversary date of 23 May with anniversary years ending 22 May 2019, 2020, and 2022 remaining satisfactory qualifying years for retirement with 77, 205, and 61 total reserve points. The anniversary year ending 22 May 2021 is unsatisfactory with 45 total reserve points.

h. 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 Petitioner completed four qualifying years of service based on an erroneous anniversary date of 7 November. Petitioner's anniversary date was corrected from 7 November to 23 May, resulting in redistributed points and not having the minimum 50 points for a satisfactory qualifying year of service for anniversary year ending 22 May 2021. Therefore, the Board felt, under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner's ARPR is amended to reflect anniversary year ending 22 May 2021 has "50" vice "45" inactive points credited and a satisfactory year of qualifying service.

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.

5/9/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]