



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

██████████
Docket No. 4535-23
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 11 January 2024. 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. In addition, the Board considered the advisory opinion by Navy Personnel Command letter 5720 PERS-91 of 30 August 2023, which was previously provided to you for comment.

You requested to receive credit for Fiscal Year (FY) 1997 and FY 1999 anniversary years to earn qualifying years of service toward non-regular retirement. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that Bureau of Naval Personnel Instruction 1001.39 (series) outlines the requirements for a qualifying year of service. Specifically, the policy indicates that an anniversary year is established from the day of enlistment or the acceptance and oath of office commissioning date to a date 365 days, or 366 days in a leap year, from the day of enlistment or acceptance of commission. Additionally, in an anniversary in which fewer than 50 points are credited, those points are added to the cumulative retirement point total, but the anniversary year is not a qualifying year for non-regular retirement.

A review of your record reflects you signed your Navy Reserve oath of office on 28 September 1994, which began your anniversary year. You failed to meet the 50 points minimum requirement for anniversary years ending 27 September 1997, 27 September 1999, 27 September 2000, 27 September 2001, 27 September 2002, 27 September 2007, 27 September 2008, 27 September 2009, and 27 September 2011 resulting in you not reaching 20 years of qualifying

service for non-regular retirement until 27 September 2023. As of 11 January 2024, your request for transfer to the Retired Reserve is pending adjudication by cognizant authority. The Board could not find, nor did you provide evidence that you were not required to complete the minimum number of drills to earn a qualifying year of service while you were assigned to the Physician Reservist in Medical Universities and Schools program. In this connection, the Board substantially concurred with the comments contained in the advisory opinion and determined that a change to your record is not warranted.

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,

1/23/2024

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