



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

█
Docket No. 4763-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER █, USNR, XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1001.39E

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 reflect transfer to the Retired Reserve vice discharge.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 7 November 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. On 19 December 1980, Petitioner enlisted in the Naval Reserve for 6 years and entered active duty on 3 March 1981, and was released from active duty and transferred to the Naval Reserve on 24 July 1981.

b. On 18 November 1986, Petitioner reenlisted for 2 years and discharged on 18 November 1988.

c. Petitioner served in the Army National Guard and Army Reserve from 19 November 1988 through 29 October 1995.

d. On 30 October 1995, Petitioner enlisted in the Naval Reserve for 3 years and thereafter extended for 24 months, and reenlisted for 6 years on 9 September 2000 and subsequently extended for 24 months. On 8 September 2008, Petitioner discharged from the Navy Reserve.

e. On 3 March 2022, Navy Personnel Command (PERS-912) generated a Statement of Service for Navy Reserve Retirement and certified Petitioner earned 20 qualifying years of service. On 10

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USNR, XXX-XX-[REDACTED]

October 2023, PER-912 confirmed Petitioner was “eligible for a non-regular retirement on 12/18/2006, no Notice of Eligibility was issued and he was separated at his EAOS on 9/08/2008.”

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner earned 20 qualifying years of service at the end of anniversary year 18 December 2006, thereby eligible for non-regular retirement in accordance with reference (b)¹ vice being discharged at his expiration of obligated service. The Board concluded, Petitioner was not issued a Notification of Eligibility upon earning 20 years of qualifying service, resulting in his ability to request transfer to the Retired Reserve without pay. Therefore, the Board determined under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner transferred to the Retired Reserve without pay effective 1 September 2008 vice discharge on 8 September 2008.

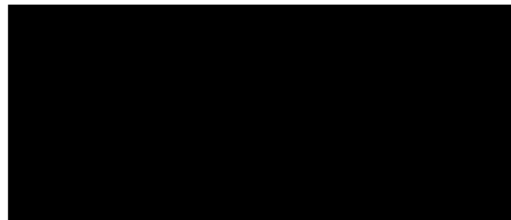
Petitioner transferred to the Retired Reserve with pay effective 7 March 2020.² Note: Petitioner must contact [REDACTED] to complete the application process for retired pay.

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.

11/14/2023



¹ Reference (b), a reservist must have completed 20 years of qualifying service to be eligible for non-regular service retirement. The Notification of Eligibility (NOE) for non-regular service retired pay at or after age 60 was automatically issued within 1 year after the member met all the requirements for the non-regular retirement. However, under normal conditions the NOE was issued 3 months after the end of the anniversary year the member completes the conditions necessary to qualify for retired pay benefits.

² Petitioner’s sixtieth birthday was on 7 March 2020.