



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. 6451-23
Ref: Signature Date

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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 12 March 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 contained in Commanding Officer, Navy Pay and Personnel Support Center memorandum 7220 N1 of 26 December 2023 and your response to the opinion.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 14 June 2022, you signed a Separations Questionnaire (NPPSC 1900/1), which was also certified, listing separation date of 1 February 2023 and dates of terminal leave from 29 October 2022 to 1 February 2023.

On 12 July 2022, you submitted a Leave Request/Authorization (NAVCOMPT Form 3065) requesting separation/retirement leave for the period of 29 October 2022 to 1 February 2023. Furthermore, was listed under comments/remarks: "I respectfully request Terminal leave from 29 October 2022 to 1 February 2023 prior to transitioning to the reserves." Number of days 95. Your request was approved on 15 July 2022.

On 21 September 2022, you were issued official separation orders (BUPERS order: 2642) while stationed in █ with an effective date of departure of February 2023. Furthermore, "Present CO directed to detach member in time to permit completion separation processing not later than 28 February 2023."

“By direction of the President, the Secretary of the Navy has accepted your resignation of your present commission in the U.S. Naval service submitted on 22 June 2022, effective upon required acceptance of anointment in U.S. Naval reserve on the date of detachment from activity at which separated. On date of separation, you will not have completed your commissioned service obligation, therefore, acceptance of appointment in U.S. Naval Reserve is required on the date of detachment.”

On 25 November 2022, a Leave Request/Authorization (NAVCOMPT Form 3065) was submitted by the Command Leave Administrator, requesting separation/retirement leave for the period of 25 November 2022 to 28 February 2023. Listed under Comments/Remarks: “[Your] last day in the Navy is 28 February. Adjusting terminal leave accordingly. (E-Leave Request has been resubmitted by █ Command Leave Administrator). Created through Auto Check Out Process. Approver █ Comments: e-Leave Request approved by █ (Reviewer/Approver).” Number of days 95. Request was approved on 28 November 2022.

You resigned with an honorable character of service as a LT/O-3 and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) on 20 January 2023 for the period of 15 May 2015 to 1 February 2023 upon completion of required active service.

On 24 January 2023, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the inactive U.S. Naval Reserve as a Lieutenant with a day of rank 1 June 2019 with a designator code of 1815 Special Duty Officer – Cryptologic Warfare Officer). Note that there is no signature date or witness signature.

On 22 February 2023, your Reporting Senior signed a Fitness Report and Counseling Record (NAVPERS 1610/2) for the period of 4 June 2022 to 31 January 2023. This was a periodic report. Furthermore, the following comments on performance were made: “Member participated in DoD Skill-Bridge Program 31 July 2022 to 24 November 2022. Member on terminal leave from 25 November 2022 to 28 February 2023.”

On 11 March 2023, Master Military Pay Account listed that you were separated effective 1 February 2023. Furthermore, you were charged with 69 days leave for the period of 25 November 2022 to 1 February 2023 and 10 days of Lump Sum Leave.

On 15 June 2023, Acting Commanding Officer █ notified you via email chain that “The 1900 form is the official form required to authorize/approve a separating member’s separation date. For enlisted, it is easier, as the [end of active obligated service] drives the date. For officers, the orders for a month, and the member can elect any date. Once this is signed by the command rep (usually the CO/XO, in this case, YN2) it becomes the official separation, date. The case was uploaded in November 2022 under the subject [you] separation effective 1 February 2023. At some point it appears that the member changed their mind, but there was no communications on this until after the separation date had already passed, however, nothing was ever officially approved by the command.”

“A couple of things - the DD 214 was uploaded in the case on 20 January 2023 so he should have been able to have received that from the command CPPA on or after that date. There is nothing from the command before or after that approves his new requested separation date. His orders say, Separate in February 2023 but he chose 1 February, and we executed that date.”

You requested the correction of your separation date by one month, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that, “[b]ased on my command's approval of terminal leave, I am being charged for leave that I was authorized to take. I remained on active duty through February 2023 based on information provided to me on NSIPS. I wish my record to reflect my full-time in service.” On 14 June 2022, you signed a NPPSC 1900/1, which was also certified, listing separation date of 1 February 2023. You submitted NAVCOMPT Form 3065 on 12 July 2022 requesting separation/retirement leave for the period of 29 October 2022 to 1 February 2023. On 21 September 2022, you were issued BUPERS order: 2642 stating that your present CO was directed to detach you not later than 28 February 2023 and, “By direction of the president, the Secretary of the Navy has accepted your resignation of your present commission in the U.S. Naval service submitted on 22 June 2022, effective upon required acceptance of appointment in U.S. Naval Reserve on the date of detachment from activity at which separated. On date of separation, you will not have completed your commissioned service obligation, therefore, acceptance of appointment in U.S. Naval Reserve is required on the date of detachment.” You signed an Officer Appointment Acceptance and Oath of Office, for appointment in the inactive U.S. Naval Reserves, however there is no signature date or witness signature, therefore the Board cannot use that document as the determination of a separation date. Additionally, you provided no documentation that you requested an extension to remain on active duty after your requested date of 1 February 2023. Your Fitness Report and Counseling notes that you attended SkillBridge from 31 July 2022 to 24 November 2022 and you took terminal leave from 25 November 2022 to 28 February 2023, however that document was signed on 22 February 2023, over a month after your DD Form 214 was issued with a separation date of 1 February 2023. You were asked to provide documentation regarding your SkillBridge request/approval and corresponding TDY orders. Without this information, or travel settlements for either the TDY or Separation, the Board cannot corroborate those dates or determine which documents in your record, if any, require correction, therefore no change to your record is 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, _____

3/21/2024

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Deputy Director

Signed by: █