



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

[REDACTED]
Docket No. 8356-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 10 U.S.C. § 6330
(c) SECNAV M-1850.1

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPC (PERS-836), 10 Jan 24
(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 her naval record be corrected to be retired from the Navy.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 January 2024 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 2 April 2002, Petitioner entered active duty.

b. On 27 January 2023, Petitioner was discharged with 20 years, 9 months, and 26 days of active duty. DD Form 214, Block 18 (Remarks) indicates "Disability Severance Pay authorized and paid in amount of \$175,423.20."

c. 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.

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In accordance with reference (b), Petitioner completed the minimum requirement of 20 years of active duty service to be eligible for transfer to the Fleet Reserve. The Board concluded that Petitioner should have been afforded the opportunity to submit a request to waive the physical evaluation board process in order to submit a request to be transferred to the Fleet Reserve in accordance with reference (c). Therefore, the Board determined that under this circumstance, relief if warranted.

RECOMMENDATION

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

Petitioner's discharged dated 27 January 2023 is rescinded.

Petitioner submitted a request to waive the physical evaluation board process and submitted a request to be transferred to the Fleet Reserve on 31 January 2023 and it was approved by cognizant authority.

Petitioner's DD Form 214, Certificate of Release or Discharge from Active Duty ending 27 January 2023 is amended to reflect Block 23 (Type of Separation) "Transfer to Fleet Reserve" vice "Discharged." Furthermore, that any other entries affected by the Board's recommendation be corrected. Note: Navy Personnel Command will issue a DD Form 215 or a new DD Form 214 whichever one they deem appropriate.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

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.

2/5/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]