



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

REC  
Docket No: 08757-11  
18 August 2011

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

Subj: [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy Reserve, filed enclosure (1) with this Board requesting, in effect, that his record be corrected to show that he was not discharged on 2 April 1999, but continued to serve in the Individual Ready Reserve (IRR) until 1 April 2001.

2. The Board, consisting of Mr. Bourgeois, Mr. Dixit, and Mr. Ivins, reviewed Petitioner's allegations of error and injustice on 17 August 2011 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, naval records, 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 finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was not filed in a timely manner.

c. Petitioner enlisted in the Navy Reserve on 27 March 1999, and served honorably until an administrative error occurred. On 13 July 2000, the Petitioner signed a two year extension which was never activated. On 2 April 1999, he was released from active duty. However, on 13 July 2000, he was informed by Naval Reserve Personnel Center that he was discharged on 2 April 1999

vice released from active duty and a correction to his Certificate of Release or Discharge from Active Duty (DD Form 214) was issued. He should have been transferred to the IRR and have been allowed to serve until 1 April 2001.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. He was in good standing in the Navy Reserve and but for an administrative error, should not have been discharged on 2 April 1999. Therefore, the Board concludes that his record should show that he was not discharged on 2 April 1999, but was transferred to the IRR and allowed to serve until 1 April 2001.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on 2 April 1999, but remained in the IRR in pay grade E-6 until his Reserve Obligated Termination date of 1 April 2001.

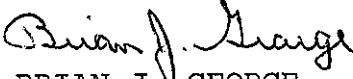
b. That his record be further corrected by awarding him 50 non-pay drill points for his anniversary years ending on 1 April 2000 and 1 April 2001.

c. That his record show no break in service.


d. That a copy of this Report of Proceedings be filed in his naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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.

ROBERT D. ZSALMAN  
Recorder

  
BRIAN J. GEORGE  
Acting Recorder

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 Regulation, 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director