



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

WJH

Docket: 10028-11  
13 March 2012

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

Subj: [REDACTED]; REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments  
(2) NPC ltr 5420 PERS-912 of 2 Nov 11

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he is eligible for non-regular service retirement.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and George reviewed Petitioner's allegations of error and injustice on 5 March 2012 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. On 29 August 2000, Petitioner was discharged from the United States Navy Reserve.

c. At the time of his discharge, Petitioner had 19 years, 10 months and 13 days of service qualifying for a non-regular retirement. He was not eligible for non-regular retirement because he did not have 20 satisfactory years. Additionally,

Petitioner did not complete the required last eight years of service in the reserve component.

d. In September 2011, Petitioner submitted an application with this Board seeking to change his record to show that he completed 20 years of qualifying service, and that he completed his last eight years in the reserve component. He also seeks transfer to the Retired Reserve (Awaiting Pay at Age 60).

e. In correspondence attached as enclosures (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request warrants favorable action. Specifically, enclosure (2) recommends moving 6 points, currently credited to the anniversary year ending 26 Jun 1989, to anniversary year ending 26 June 1990; 35 points, currently credited to the anniversary year ending 26 June 1988, to anniversary year ending 26 June 1991; and 35 points, currently credited to the anniversary year ending 26 June 1986, to anniversary year ending 26 June 1992 to support Petitioner's request for non-regular retirement.

f. Enclosure (2) also recommends that Petitioner be transferred to the Retired Reserve awaiting pay effective 1 July 1992.

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.

RECOMMENDATION:

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

- a. The discharge of 29 August 2000 is null and void.
- b. That six (6) points earned during anniversary year ending 26 Jun 1989 will be moved to anniversary year ending 26 June 1990.
- c. Thirty-five (35) points earned during anniversary year ending 26 June 1988 will be moved to anniversary year ending 26 June 1991.

d. Thirty-five (35) points earned during anniversary year ending 26 June 1986 will be moved to anniversary year ending 26 June 1992.

e. As a result of the above, Petitioner's record will show that, in the anniversary year ending on 26 June 1990, Petitioner attained a qualifying year.

f. That in anniversary year ending 26 June 1991, Petitioner attained a qualifying year.

g. That in anniversary year ending 26 June 1992, Petitioner attained a qualifying year.

h. On 1 July 1992, Petitioner was properly transferred to the Retired Reserve (Awaiting Pay at Age 60) in pay grade E-9.

i. A copy of this Report of Proceedings be filed in Petitioner's 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 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

  
WILLIAM J. HESS, III  
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 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6 March 2012



FOR W. DEAN PFEIFFER  
Executive Director