



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

█
Docket No. 4129-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █
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Ref: (a) Title 10 U.S.C. § 1552
(b) SECNAVINST 1920.6C, 15 Dec 05

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPC memo 1420 PERS-80/0500, 31 Oct 23
(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 his naval record be corrected to show Petitioner's Navy Reserve Appointment and Oath of Office (NAVPERs 1000/4) is effective 1 July 2018 vice 6 January 2019 in order to eliminate current break in service.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 30 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. In accordance with reference (b), a Regular officers requesting resignation under the provisions of this enclosure who have completed the statutory service obligation referred to in paragraph 4a of this enclosure and who request a Reserve commission upon resignation from the Regular Navy or Marine Corps shall normally be tendered such a commission, provided a requirement exists for the officer's skill in the grade and competitive category in which the officer would serve in the Naval or Marine Corps Reserve. CHNAVPERs and DC (M&RA) shall neither tender nor award Reserve commissions to such officers whose voluntary resignation request is incident to separation in lieu of trial by court-martial under Policy Governing Involuntary Separation or in lieu of separation for cause processing under Guidelines on Separations for Cause.

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Regular officers whose requests for Reserve commissions are approved shall be assigned in the Ready Reserve upon resignation from the Regular Navy or Marine Corps and acceptance of the appointment in the Naval or Marine Corps Reserve.

b. On 24 April 2018, Navy Personnel Command, PERS-97 notified Petitioner that, "Following up on our earlier chat, I have attached a blank copy of the SF-600 and Page 13. The SF-600 is to be filled out by your doc who did your separation physical. I can also accept a copy of the long for separation physical if you can't get the SF-600 filled out, but the SF-600 is preferred as it contains no privileged medical information. The Page 13 is generic; let me know if you have any questions about the contents. You can return these forms at any time. I will get your bonus request processed and sent to you for signature, may take a week or two. As we get closer to your date of separation I will draft and send your Ready Reserve Agreement for signature. I will also send your Oath of Office as soon as I have it."

c. On 13 June 2018, Navy Personnel Command, PERS-97 notified Petitioner that, "I have been working diligently to get the last piece of your package, the oath. We are trying to track down the scroll that you were on, but the office of Secretary of Defense (SECDEF) split the scroll and only signed half of it. Unfortunately, you were not on that half. Navy Personnel Command (NPC) is still trying to inquire and are hopeful that it will be returned before you separate, but you should be prepared for a delay and possibly a break in service. It has been elevated urgently and it is not a problem that only affects you. I will keep you abreast of the situation."

d. On 18 June 2018, Navy Personnel Command, PERS-97 notified Petitioner that, "We are pushing on Officer of the Secretary of Defense (OSD) for weeks to get it back. This will have no impact on your billet. [REDACTED] & [REDACTED] have been informed that there is some delay but you are coming. Your billet is suppressed for 6 months... we are looking at a matter of days, maybe a couple weeks, delay."

e. Petitioner resigned from the U.S. Navy with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 27 May 2005 to 30 June 2018 upon completion of required active service.

f. On 1 November 2018 (13:06), Transition Assistant/Deputy Branch Head, Career Transition Office, PERS-97 notified Petitioner that, "I just wanted to touch bases with you to let you know I have taken over as your TA due to me working closely with ST 17 and 18 and it just made sense since they keep reaching out to me to find out what is going on with your scroll. In early October, I reached out to our in-house scroll-tracking person ([REDACTED]) who then in turn contacted PERS-804 ([REDACTED]) to find out what the status of you being re-scrolled. He told me they'd get back to me (which is the usual response; so frustrating). After two weeks I found out he was on vacation I reached out the civilian lady [REDACTED] at PERS-804 there on the 23rd and she said you hadn't been put on another scroll and she went ahead and took care of it and got you on your own scroll. October 30th I followed up with her and she said it had been vetted for adverse information and was at the PERS-8 front office. [REDACTED] said she would let me know when she walks it over to legal. After that it will go to [REDACTED] before heading to OSD for final approval."

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[REDACTED]

g. On 1 November 2018 (13:55), Transition Assistant/Deputy Branch Head, Career Transition Office, PERS-97 notified Petitioner that, "The scroll process goes through many hands before approval..."

Draft scroll created by PERS-451 -> PERS-804 - PERS-833 (to see if they have AIM) -> vetting process begins CNPC legal -> CNP -> OJAG Code 13 -> OSD for [REDACTED] [REDACTED] signature.

What should have happened after you were removed from the January scroll (after the umpteenth time that the scroll had been kicked back for errors) is PERS-804 should have put you on another scroll at that time because your name had already gone through the above process and should have been a quick turnaround".

h. On 30 November 2018, Petitioner signed a Ready Reserve transfer request service agreement (NAVPERS 1200/1) as a Lieutenant Commander and he was approved for assignment with [REDACTED] [REDACTED]. First Endorsement was certified by Officer Recruiter's/CTO Transition Assistant's on the same date. On 24 January 2019, request was approved effective on 7 January 2019 by cognizant authority.

i. On 18 December 2018, Secretary of Defense notified that, "I hereby appoint the following named individuals to the grades indicated in the United States Navy Reserve under title 10, U.S.C., section 12203: [REDACTED] [REDACTED]"

j. On 6 January 2019, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the inactive U.S. Naval Reserve as a Lieutenant Commander with a day of rank 1 March 2016 with a designator code of 1115 (An Unrestricted Line Officer who is qualified in Surface Warfare).

k. On 15 February 2019, COMNAVRESFORCOM issued Petitioner Inactive Duty Training Order, Termination/Cancellation/Modification with the following: "Your assignment to [REDACTED] [REDACTED], is hereby modified in accordance with the references listed above, effective 07 January 2019 as indicated below:

You are assigned to [REDACTED] for inactive duty in a pay status, cross-assigned to [REDACTED]
[REDACTED]

Your tenure in this billet will expire 31 January 2021 unless terminated sooner by proper authority or otherwise modified."

l. Petitioner's Navy Standard Integrated Personnel System IDT Detail Review listed an Authorized Absence from 12 January 2019 to 10 March 2019, and Petitioner was first awarded 2 drill points on 13 April 2019.

m. On 6 February 2020, Transition Assistant/Deputy Branch Head, Career Transition Office, PERS-97 notified Petitioner that, "To set your expectations; A BCNR usually takes over a year to get approved. I'm attaching the letter to BCNR my office submitted for the 57 Staff Officers

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that did not get scrolled in 2018 and their records have still not been corrected (they separated NLT 1 March 2018). The scroll fiasco on your behalf was a mixture of the Office of General Counsel (OGC) and PERS-804. You were originally on a draft scroll named "January 2018 AC to RC draft scroll." This scroll was for those separating in June 2018. The general process for scrolls is that the draft is generated by PERS-804 routes through different offices at NPC then goes to Officer Enlisted Personnel Management (OEPM). From OEPM it goes to OGC (from OGC it goes back to OEPM then OSD/SECDEF for final approval). Normally OGC finds errors in the scroll and kicks the scroll back to PERS-804 to fix. I believe the first time it was sent back to PERS-804 was due to a member on the scroll was also being scrolled by another military branch, which can't be done. PERS-804 may have more detailed information into this or you can just have them respond to your BCNR.

Anyway, it went back and forth from OGC and PERS-804 for several months. I left notes in your record on 14 June 2018 that your scroll had still not been approved. Apparently, you were the error come July because you were removed from the "January..." scroll at some point due to having separated from Active Duty. Your TA at the time was not tracking you on the scrolls so once the "January...scroll" was approved on 12 September 2018 (renamed "Aukstuolis Scroll" based on the last name of the first person on the scroll) he did not realize you were removed (PERS-804 should have contacted us to find out if you needed to be re-scrolled).

9 October 2018, [REDACTED] reached out to me to find out the status of your scroll and that was when it was realized you had been removed from the January scroll. 11 October 2018, I contacted PERS-804 to ask if you had been put you on a different scroll and found out you were not. Asked them to get you scrolled because you intended on going SELRES. 23 October 2018, I followed up with PERS-804 regarding your scroll. Still had not been done but they assured me it would be done today. 30 October 2018, PERS-804 notified me your scroll was at PERS-8 Front Office. 9 November 2018, Scroll was still at PERS-8 Front Office. 20 December 2018, Scroll still pending. 26 December 2018 scroll finally approved.

n. On 1 October 2020, Petitioner was appointed to Commander/O-5.

o. 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. The Board concluded that Petitioner's name was originally on a draft scroll named "January 2018 AC to RC draft scroll." This scroll was for those separating in June 2018. Due to no fault of Petitioner and to processes beyond Petitioner's control, the scroll went back and forth from OGC and PERS-804 for several months, resulting in the removal of Petitioner's name from the scroll once Petitioner had separated from Active duty. Due to administrative oversight, Petitioner was not scrolled until late October 2018, approximately 4 months after separation. The Board determined that because Petitioner was approved once his scroll was

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finally submitted and that his removal from the “January Scroll” was not his fault, it was reasonable to believe that Petitioner’s scroll would have been approved in time to prevent a break in service.

RECOMMENDATION

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

Petitioner’s Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) was signed on “1 July 2018” vice “6 January 2019.”

Note: This change authorizes the NPC to make appropriate adjustments to Petitioner’s transfer of Post-9/11 GI Bill education benefits obligation end date, and Transitional Assistance Management Program record, as applicable. That any other entries affected by the Board’s recommendation be corrected.

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.

12/11/2023

