



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

██████████  
Docket No. 488-24  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████████

Dear ████████████████████,

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 7 May 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.

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 29 August 1996, you enlisted in the inactive U.S. Naval Reserve for 8 years with an expiration of obligated service of 28 August 2004. On 24 August 2004, you reenlisted in the inactive U.S. Naval Reserve for 2 years with a new contract expiration date of 23 August 2006. On 24 August 2006, you reenlisted in the inactive U.S. Naval Reserve for 2 years with a new contract expiration date of 23 August 2008. On 15 August 2007, you reenlisted in the active U.S. Naval Reserve for 4 years with a new contract expiration date of 14 August 2011. On 29 October 2010, you reenlisted in the active U.S. Naval Reserve for 6 years with a new contract expiration date of 28 October 2016. On 5 September 2014, you signed an agreement to extend enlistment for 1 month with a new contract expiration date of 28 November 2016. On 3 November 2016, you reenlisted in the active U.S. Naval Reserve for 2 years with a new contract expiration date of 2 November 2018. On 11 September 2017, you signed an agreement to extend enlistment for 13 months with a new contract expiration date of 2 December 2019. On 29

January 2018, you signed an agreement to extend enlistment for 12 months with a new contract expiration date of 2 December 2020. On 24 November 2020, you reenlisted in the active U.S. Naval Reserve for 3 years with a new contract expiration date of 23 November 2023. On 18 December 2020, you signed an agreement to extend enlistment for 2 months with a new contract expiration date of 23 January 2024.

On 31 August 2022, Commander, Navy Personnel Command (NPC) (PERS-836) notified you that your transfer to the Fleet Reserve was authorized effective 30 June 2023.

On 3 November 2022, you were issued official Fleet Reserve orders (BUPERS order: 3072) while stationed in █ with an effective date of departure of June 2023. Your home of selection: HOS: Deferred with an effective date of retirement of 30 June 2023.

On 5 July 2023, you were issued official cancellation to Fleet Reserve orders (BUPERS order: 3072).

On 13 September 2023, you were issued official change duty orders (BUPERS order: 2563) while stationed in █ with an effective date of departure of September 2023 from temporary duty – awaiting medical board review. Your ultimate activity was █ for duty – limited duty with an effective date of arrival of 30 September 2023 with a projected rotation date of April 2024.

On 23 August 2023, Commander, NPC notified a member of the United States House of Representatives that, “[t]he Reserve Personnel Management Department recommends two options for [you]. [You] can extend on Active Duty then request transfer to the Fleet Reserve and receive immediate retainer pay towards a regular retirement. As of May 5, 2023, [you] accumulated a total of 18 years, 8 months, and 27 days. [You] would require an extension to 1 November 2024 for eligibility to transfer to the Fleet Reserve. [Your] second option requires [you] to request release from active duty and affiliate with the Navy Reserve in a Selective Reserve status. As [your] combined years of qualifying service is more than 20 years, [you] will immediately qualify for a non-regular retirement after re-affiliating.

Once [you submit your] request for a non-regular retirement, [you] will be placed as a "Gray Area" retiree. This is the time between retirement from the Reserves and the date eligible to begin receiving retired pay. In accordance with U.S. Title 10 Chapter 1223, retired pay for non-regular service, § 12731, age and service requirements, [your] eligibility for non-regular retired pay and TRICARE health coverage would commence at age 60.”

On 7 December 2023, Commander, NPC notified a member of the United States House of Representatives that, “on behalf of your constituent, [you .....] regarding follow-up questions for her retirement concerns.”

“The Reserve Retirement Branch provided [you] with an inaccurate Fleet Reserve transfer date. The Reserve Retirement Branch is not charged with Active Duty affairs. The Enlisted Retirements/Fleet Reserve Branch confirmed that the earliest that [you] can qualify for Fleet Reserve transfer is January 31, 2026. [You have] accumulated over 20 years of qualifying service making [you] eligible for a non-regular retirement without pay upon affiliation with the Navy Reserve. When [you meet] the requirements of Title 10 United States Code § 12731, [you] will be eligible for retired pay for non-regular service. The Reserve Retirement Branch recommends [you] contact [your] detailer to discuss [your] career intentions.

The Reserve Personnel Management Department recommends that [you] work with [your] command to determine whether she can recoup leave days used or whether [you] would need to submit a claim to the Board for Correction of Naval Records.”

You requested to be eligible to retire from Active Duty for 27+ years of service, effective immediately or to retire you from the Reserves with 27+ years of service and pay to begin immediately. You would also like to have most of your leave days restored, so that you can finally take them as terminal leave. The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that unfortunately, you were issued erroneous retirement orders, however those orders were based on an error in your Active Duty Service Date (ADSD) that has since been corrected and those orders have been appropriately cancelled. The 23 August 2023 letter to your Representative and its follow-up on 7 December 2023 explained the error that was found in your record and the options you had regarding retirement from the Navy. Although you were not at fault for the error in the calculation of your ADSD, the fact remains that you will not be eligible for an active duty retirement until you have completed 20 years of active service in accordance with 10 U.S. Code, section 6330.<sup>1</sup> Furthermore, you have completed over 20 years of qualifying service making you eligible for a non-regular retirement without pay upon affiliation with the Navy Reserve. Because you are still on active duty, the Board recommends that you contact your detailer to discuss your career intentions. Additionally, the Board determined that in accordance with 10 U.S. Code, section 12731, you would be entitled to retired pay upon reaching age 60.<sup>2</sup> Because this is matter of law, the Board cannot waive these

---

<sup>1</sup> 10 U.S. Code, section 6330, an enlisted member of the Regular Navy or the Naval Reserve who has completed 20 or more years of active service in the armed forces may, at his/her request, be transferred to the Fleet Reserve.

<sup>2</sup> 10 U.S. Code, section 12731, except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

(1) has attained the eligibility age applicable under subsection (f) to that person; (2) has performed at least 20 years of service computed under section 12732 of this title; (3) in the case of a person who completed the service requirements of paragraph (2) before April 25, 2005, performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, except that in the case of a person who completed the service requirements of paragraph (2) before October 5, 1994, the number of years of such qualifying service under this paragraph shall be eight; and (4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve. Application for retired pay under this section must be made to the Secretary of the military department, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is

