



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

█
Docket No. 1931-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, █,
USN, █

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 10 U.S.C. § 6330
(c) BUPERSINST 1001.39F

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPC (PERS-836), 23 Apr 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 his naval record be corrected to establish eligibility to transfer to the Retired Reserve.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 13 August 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, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Petitioner served on active duty from 28 July 1998 to 27 July 2006. Petitioner issued DD Form 214, Certificate of Release or Discharge from Active Duty outlining the 8 years of active duty service and entitlement to separation payment of \$14,532.48.

b. On 28 July 2006, Petitioner affiliated with the Navy Reserve, mobilized in support of OPERATION ENDURING FREEDOM from 29 December 2011 to 8 December 2013, executed Active Duty for Special Works orders from 15 June 2014 to 11 June 2018, and discharged from the Navy Reserve on 24 January 2019.

c. On 25 January 2019, Petitioner enlisted in the Navy for 4 years, entered active duty and thereafter, extended for 8 months.

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

d. On 30 November 2022, Petitioner signed DD Form 2648, Service Member Pre-Separation/Transition Counseling and Career Readiness Standards EForm for Service Members Separating, Retiring, Release from Active Duty. The form specified the reason for separation: "Retiring." The form was signed by the Transition Counselor on 11 January 2023.

e. On 5 July 2023, Petitioner issued BUPERS Order: 1863 (Official Retirement Orders) with an effective date of 24 September 2023.

f. On 24 September 2023, Petitioner discharged at end of active obligated service. Petitioner issued DD Form 214, Certificate of Release or Discharge from Active Duty indicating 4 years, and 8 months of net active service this period and 12 years, 4 months and 28 days total prior active service.

g. On 25 October 2023, Petitioner issued BUPERS Order: 1863 (Official Cancellation to Retirement Orders) and directed to continue present duty.

h. On 2 November 2023, Petitioner issued BUPERS Order: 3063 (Official Separation Orders) with "actual date of separation 23 September 2023."

i. 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 does not have merit for an active duty retirement and warrants unfavorable action.

j. On 8 August 2024, Petitioner clarified he is "requesting to be moved to the reserves awaiting reserve retirement payments" vice an active duty retirement.

CONCLUSION

Upon review and consideration of all the evidence of record, and in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. Petitioner did not meet the criteria to transfer to the Fleet Reserve in accordance with reference (b)¹ but did meet the requirements for a non-regular retirement per reference (c).² The Board concluded Petitioner did not receive adequate counseling regarding his retirement eligibility, therefore determined that under these circumstances, relief is warranted.

¹ An enlisted member of the Regular Navy who has completed 20 or more years of active service in the armed forces may, at his request, be transferred to the Fleet Reserve.

² Specifies, a members of the Naval Reserve may be transferred to the Retired Reserve without pay if he/she completes 20 years of qualifying service and submits an application. For members who completed 20 years of qualifying service on or after 25 April 2005, the last 6 years of qualifying service in a Reserve component is not a requirement to qualify for non-regular retired pay. Reserve component member are eligible upon application to received retired pay at age 60 unless early retirement is authorized under National Defense Authorization Act 2008. However, retired pay benefits must be requested; the process is not automatic.

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

RECOMMENDATION

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

Petitioner submitted a Career Waypoints-Reenlistment to transition from Active Component to Reserve Component for a term of 2 years effective 25 September 2023; it was approved by cognizant authority prior to separation on 24 September 2023.

Petitioner's DD Form 214, Certificate of Release or Discharge from Active Duty ending 24 September 2023 is amended to reflect "RELACDU and Transferred to the Navy Reserve" vice "Discharged." Note: Navy Personnel Command (NPC) is authorized to correct any other entries affected by the Board's recommendation and will issue a DD Form 215 or a new DD Form 214 whichever one they deem appropriate.

Petitioner requested transfer to the Retired Reserve without pay effective 1 October 2023 and the request was approved by cognizant authority. Note: NPC will issue Notification of Eligibility to Receive Retired Pay at Age 60 and Participation in the Reserve Component Survivor Benefit Plan.

That a copy of this report of proceedings 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 titled 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.

8/28/2024

