



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

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Docket No. 2067-24
Ref: Signature Date

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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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 27 September 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. In addition, the Board considered the advisory opinion contained in Commander, Navy Personnel Command (NPC) letter 5730 PERS-91 of 13 May 2024, which was previously provided to you for comment.

In accordance with BUPERSINST 1001.39F Change 1, 3 May 2013, “[m]embers must keep their Navy Operational Support Center commanding officer informed of current address and work and home telephone numbers, changes in physical status, dependency changes, current employment status, and other factors that could affect mobilization potential. Members must respond to all official correspondence. Members must comply with involuntary recall to active duty.”

In accordance with SECNAVINST 1920.6D, 24 July 2019, Reserve O-4s: Failure of Selection for Promotion. Subject to the exceptions in paragraph 5 of this enclosure, a Reserve O-4 (including an O-4 in the Navy Full-Time Support (FTS) or Marine Corps Active Reserve (AR) Program) who twice fails of selection for promotion to the next higher grade and whose name is not on a list of officers recommended for promotion must, if not earlier removed, be removed from the Reserve Active Status List (RASL) in accordance with paragraph 4c of this enclosure on the later of: (1) The first day of the month after the month in which the officer completes 20

years of commissioned service; or (2) The first day of the seventh month after the month in which the report of the selection board that considered the officers for the second time is approved.

Exceptions to Involuntary Separation or Removal from the RASL. The following exceptions may apply to a Reserve officer in the grades of O-2 through O-6 who is subject to separation or removal from the RASL under paragraph 4 of this enclosure. The applicability of the exception to the specific grade(s) is indicated.

Reserve O-3s to O-6s: Continuation on the RASL. In accordance with reference (a), section 14701, and reference (y), the SECNAV may convene a continuation selection board to consider for continuation on the RASL Reserve O-3s or O-4s who are subject to separation or removal from the RASL on the basis of two failures of selection for promotion to the next higher grade, and Reserve O-5s or O-6s who are subject to removal from the RASL for years of commissioned service. If approved by SECNAV for continuation, an officer may be continued on the RASL no later than a period ending on the last day of the month in which the officer completes: 24 years of commissioned service in the case of a Reserve O-4.

In accordance with 10 U.S.C. § 14506, unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the Navy who holds the grade of lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the RASL, be removed from that list in accordance with section 14513 of this title on the later of (1) the first day of the month after the month in which the officer completes 20 years of commissioned service, or (2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

In accordance with 10 U.S.C. § 14701, Consideration for Continuation.-(1)(A) A reserve officer of the Navy described in subparagraph (B) who is required to be removed from the reserve active-status list under section 14504 of this title, or a reserve officer of the Navy who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title, may be considered for continuation on the reserve active-status list under regulations prescribed by the Secretary of Defense.

On 1 July 2013, you were appointed a LCDR/O4.

On 6 February 2022, Navy Standard Integrated Personnel System (NSIPS) listed your address as:

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On 27 March 2023, █, █, █
█ Notified the SECNAV that, “request you approve TAB A, the Fiscal Year (FY) 2023 and 2024 Navy Reserve Officer Retention and Continuation Policy and Plan.”

“The FY-23 and FY-24 plan update complies with title 10, U.S. Code, and Department of Defense regulatory requirements. The plan update enhances the Navy Reserve’s ability to retain and continue Reserve officer inventory in critical skill sets, ensures equitable promotion and retirement opportunities, fills individual augmentation requirements, and allows greater use of Reserve personnel to meet mobilization demands. This represents the collaborative efforts of the Chief of Navy Reserve, Chief of Naval Personnel, Judge Advocate General, and Assistant Secretary of the Navy (Manpower and Reserve Affairs).”

“A review will be concluded at [NPC] for the purpose of considering Reserve Officers for retention on the RASL. This will be conducted by a standing panel to facilitate timely review and adjudication of eligible officers being considered for retention. Reserve Officers on the RASL in the following grades and designators may be retained in an active status by the Retention and Continuation Panel, provided they are physically qualified and consent to retention on the RASL. Normally, officers will not be considered for retention more than one year in advance of their mandatory attrition date.”

“Any Reserve Officer specified in the FY-23/24 Navy Reserve Officer Retention Plan, who is subject to removal from the RASL and who consents to retention must submit in writing to the Reserve Officer Continuation/Retention Panel (PLRS-9) to be retained. Per section 14703, any other Reserve Captain, Commander, or Lieutenant Commander in the chaplain or medical specialty communities under age 68 and not listed in the FY-23/24 Navy Reserve Officer Retention Plan, must be specifically approved for retention by the Secretary of the Navy. Only those officers possessing specific skills that cannot be found elsewhere in the Navy Reserve will be considered for retention.

Notice of Opportunity for Retention on the RASL. Based on the approved FY-23/24 Navy Reserve Officer Retention and Continuation Plan, Commander, [NPC] (PERS-9) will notify officers prior to their pending statutory separation by letter and inform them of the opportunity to be considered for retention.

Notification of Retention. Commander, [NPC] (PERS-9) will review the eligibility of officers for retention and notify by letter those Reserve officers approved for retention on the RASL and the period of their retention.”

On 3 April 2023, NPC notified you (█) that, “[p]er reference (a) [10 USC §14506], Navy Reserve lieutenant commanders who are not on the promotion list to commander shall be transferred to the Retired Reserve, if qualified, or be honorably discharged on the first day of the month following two failures of selection for promotion and completion of 20 years of commissioned service. A review of your record reveals that you have failed of selection for promotion at least twice and will complete 20 years of commissioned service in November 2023 and, therefore, are subject to this provision. Accordingly, unless authorized continuation, your honorable discharge will be required on 1 December 2023.”

“Notwithstanding the above, references (b) [10 USC 14701 and (c) [FY-23/24 Navy Reserve Officer Retention and Continuation Plan] allow for the continuation of Navy Reserve

Lieutenant Commanders past their 20th year of commissioned service. If you desire continuation, you must submit your written request to PERS-911 not later than 15 October 2023. Please complete the appropriate section of enclosure (1) and submit it along with a short letter in standard Navy format discussing your recent participation in the Navy Reserve and a Command endorsement. You may submit your request in the envelope provided or email it to Pers-911d.fct@navy.mil. Requests will be considered by a Panel of Officers, which meets the first Wednesday of each month. The submission deadline for any particular Panel is the 15th of each month, if submitted after the 15th your submission will be held until the next Panel the following month. Results of the Panel are normally out five to ten business days following the Panel and notification of results will be by official letter.”

“If you do not request continuation or are not authorized continuation, your honorable discharge will be processed with and effective date of 1 December 2023.”

On 1 December 2023, you were issued Honorable Discharge certificate.

On 4 December 2023, Commander, NPC (PERS-91) notified you that, “[p]er references (a) [COMNAVPERSCOM letter ██████████] and (b) [SECNAVINST 1920.6D], you are honorably discharged from the United States Navy Reserve, effective 1 December 2023.”

On 13 December 2023, you notified Reserve Officer Community Manager that, “[u]nfortunately, I was just notified that my DSC code was changed to 248 and I was discharged from the SELRES. Apparently, a letter was sent a while back, but I never received it, and the NRC LA never notified me about the pending status change. As per [CDR F’s] recommendation, I am submitting a letter to the BCNR requesting continuance of service. I was commissioned in November 2003, but only have 17 good years. I really need to get to 20 years for my retirement. Once I submit my request, I would like to know if you as the CM for the Supply Corps would be willing to bring me back into s drilling status?”

On 13 December 2023, Reserve Officer Community Manager notified you that, “[t]his is a new one for me, but community health does support affiliation. However, I am not certain about how the BCNR process works and how long that can take.”

On 26 June 2024, Commander, NPC issued you a Statement of Service for Navy Reserve Retirement listing 17 years and 11 days of qualifying years of service and 2,127 total retirement points creditable for pay.

Commander, ██████████ notified the BCNR that “I serve as the Commanding Officer of ██████████ unit based in ██████████. Lieutenant Commander ██████████ was a member of my unit and served as my Training Officer. I wholeheartedly concur with his request for continuation of service. He is an exceptional Officer with a wealth of experience and education. He has been instrumental in developing and expanding the capabilities of our unit. He is the type of Naval Officer that is needed in the Supply Corps community and greater US Navy Reserve Force. He has my highest support for continuation of service, and I implore the Board to reinstate him to the SELRES so he can continue to contribute to the mission of ██████████.”

On 13 May 2024, NPC notified the BCNR that PERS-91 mailed a letter indicating your failure of selection to the next higher grade for the second time to your home of record, ██████████, ██████████, and Navy Reserve ██████████ on 3 April 2023. The letter also provided directions to request continuation beyond the attrition date of 1 December 2023. The letter was mailed to your address annotated in NSIPS which differs from the mailing address provided on your submitted DD Form 149. Per reference (d), members must keep their NRC informed of current address to ensure successful delivery of official correspondence. PERS-91 did not receive a continuation request from you and honorably discharged you effective 1 December 2023.

Your record shows 20 years of commissioned service and 17 years of qualifying service at the time of your discharge. If you desire to be reinstated on the RASL to complete 20 years of qualifying service, PERS-91 recommends you seek re-affiliation with a local Navy recruiter.

You requested to correct your record to show that you were reinstated and allowed to continue service in the Navy Reserve, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you did not receive the letter from NPC notifying you that unless authorized continuation, your honorable discharge would be required on 1 December 2023. Furthermore, you assert that if you had received the letter, you would have requested continuation because you only had about 17 qualifying years of service. A review of your address in NSIPS and on the letter sent to you from NPC shows only a slight difference. NSIPS shows your apartment number was 2D and the NPC letter was sent to APT D. All other aspects of your address were identical. The Board found it plausible that you did not receive the notification of pending removal from the RASL, and the mistake does not seem to be your failure to update your address, but a mistake on the part of NPC. Additionally, the Board agreed that you would have submitted a continuation request if you had received the letter. Finally, in accordance with the letter from Supply Corps, ██████████, you were strongly recommended for continuation and Reserve Officer Community Manager stated that community health supports reaffiliation.

The Board determined that you were twice passed for promotion to O5 and that the Navy attempted to notify you that you would be discharged on 1 December 2023 unless you submitted a request by 15 October 2023 to be continued on the RASL. When you did not respond, you were discharged. The Board agreed you were likely not actually afforded the opportunity to request continuation until you reached 20 qualifying years of service, which is an injustice because it is clear community health supported reaffiliation. However, the Board concluded that it does not have the authority to reinstate you as if you had requested continuation in a timely manner and you were continued on the RASL as if a continuation selection board had considered and approved your request. In accordance with SECNAVINST 1920.6D, only after the approval of the continuation selection board would you have been eligible to be continued on the RASL. Additionally, the Board has no authority to convene a continuation selection board. The Board agreed with the comments contained in the advisory opinion that the most appropriate method of reinstatement on the RASL is for you to seek reaffiliation through a recruiter. Because the Board is not changing your record, it is the intention of the Board that this letter serve as a favorable

endorsement by the SECNAV, acting through the Board, for you to seek reaffiliation through a recruiter, and ultimately achieve 20 years of qualifying service.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

10/7/2024

