



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

[REDACTED]
Docket No. 2088-24
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) 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 [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 July 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. On 17 July 1985, Petitioner enlisted in the Naval Reserve for 8 years of which 4 years was an active duty obligation. Petitioner served on active duty from 7 October 1985 to 6 November 1991. Thereafter, Petitioner transferred to the Navy Reserve – Individual Ready Reserve to complete his military service obligation and honorably discharged on 16 July 1993.
 - b. On 1 August 1993, Petitioner enlisted in the Army Reserve, mobilized in support of [REDACTED] 7 February 2003 to 21 April 2004, and discharged from the Army Reserve on 29 September 2004.
 - c. On 29 January 2005, Petitioner enlisted in the Naval Reserve for 3 years.
 - d. On 10 December 2007, Navy Personnel Command (PERS-912) denied Petitioner's request to transfer to the Retired Reserve effective 1 October 2007 because his record only reflected 11 years, 9 months, and 10 days of qualifying service as of 30 September 2007.

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e. On 28 January 2010, Petitioner honorably discharged from the Navy Reserve.

f. On 25 October 2023, Navy Recruiting Command notified [REDACTED] office that Petitioner's Army Reserve service was not previously captured. After review of Petitioner's service in the Navy, Navy Reserve and Army Reserve; Navy Personnel Command (PERS-912) issued an updated statement of service reflecting Petitioner completed 21 total qualifying years of service as of 28 January 2007. Note: Petitioner's 60th birthday will be on [REDACTED]

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. Petitioner met the eligibility criteria to transfer to the Retired Reserve in accordance with reference (b).¹ However, due to administrative oversight, Petitioner's Army Reserve service was not captured resulting in his inability to transfer to the Retired Reserve without pay. Therefore, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

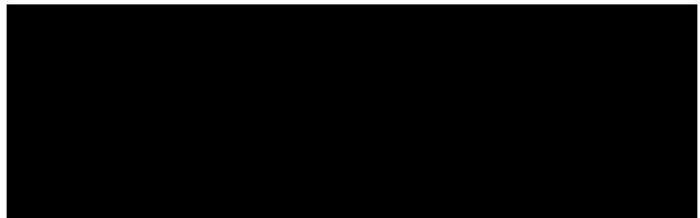
Petitioner transferred to the Retired Reserve without pay effective 1 January 2010 with 21 qualifying years of service vice discharged on 28 January 2010. Note: Navy Personnel Command is authorized to correct any other entries affected by the Board's recommendation and shall ensure Petitioner is provided directions on submitting for transfer to the Retired Reserve with pay at age 60.

A copy of this Report of Proceedings will 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-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.

8/7/2024



¹ 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 were eligible upon application to received retired pay on or after reaching age 60. However, retired pay benefits must be requested; the process is not automatic.