

DEPARTMENT OF THE NAVY

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

> Docket No. 7109-24 Ref: Signature date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ... USN RET,

XXX-XX-

Ref: (a) Title 10 U.S.C. §1552

Encl: (1) DD Form 149 w/attachments

(2) Case Summary

- 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 to correct his record of service listed on his Certificate of Release or discharge from Active Duty (DD Form 214); specifically, Block 12a (Date Entered AD This Period), correction of the length of time served on active duty, and any additional corrections deemed necessary to ensure the accuracy of his service record.
- 2. The Board, consisting of allegations of error and injustice on 20 November 2024 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, applicable statutes, regulations, and policies.
- 3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
- a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's 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 the case on its merits.
- b. Petitioner enlisted in the Navy and began a period of active duty on 19 November 1979. After a period of continuous Honorable service, he subsequently reenlisted on 17 November 1983. Petitioner had three subsequent immediate reenlistments and served continuously until his transfer to the fleet reserve on 30 November 1999. Petitioner's record contains two DD Forms 214 that documents his service from 17 November 1983 until his retirement. However, his first Certificate of Release from Active Duty (DD Form 214) documenting his period of Honorable service from 19 November 1979 to 16 November 1983 is missing from his record.

c. Petitioner contends that he has identified inaccuracies in his military entry date and the length of time he served on active duty. Furthermore, there may be other errors that could potentially impact his benefits and compensation eligibility.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that, given the totality of his circumstances, Petitioner's request merits partial relief.

As discussed above, the Board noted Petitioner's official military personal file (OMPF) does not contain a DD Form 214 documenting his period of Honorable service from 19 November 1979 to 16 November 1983 and requires correction. Based on the Board's finding that Petitioner's record is missing a DD Form 214, the Board determined that a correction to his existing DD Forms 214 is not merited.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new DD Form 214 indicating that for the period from 19 November 1979 to 16 November 1983, Petitioner's character of service was Honorable.

Furthermore, that Petitioner's DD Form 214, for the period ending 16 November 1983, indicates the appropriate narrative reason for separation, separation authority, separation code, and reenlistment code, and accurately reflect all primary specialties, decorations, medals, badges, citations, campaign ribbons awarded, and military education based on his active-duty period of service from 19 November 1979 to 16 November 1983.

That no further changes be made to Petitioner's record.

That a copy of this record of proceedings be filed in Petitioner's naval record.

- 4. It is certified that 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

