



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

██████████
Docket No. 7718-24
Ref: Signature Date

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████████████████████
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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.

A three-member panel of the Board, sitting in executive session, considered your application on 7 January 2025. 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 letter 5730 PERS-91 of 28 August 2024.

You requested to change your anniversary year start date to 1 October and have 80 points restored. The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that in accordance with Bureau of Naval Personnel Instruction 1001.39F, the date used to determine the anniversary year is established by the date the member entered active service or into active status in a Reserve component, whichever is earlier. In cases of officers with Reserve service as a cadet or midshipman at a service academy or in the Reserve Officers Training Corps (ROTC) program, the date for the start of member's initial anniversary year will be established as the date the member entered into active service or active status minus any service as a cadet or midshipman. The policy further indicates that per Title 10 U.S.C., sections 971 and 2107(g), officers commissioned through a service academy or ROTC program are not eligible for summer training credit. Additionally, a person performing active service or inactive duty training (IDT) periods may not concurrently receive retirement points for other activities (e.g., completion of correspondence courses). The Reserve Personnel Manual 1500-010 reiterated that correspondence courses could not be completed while in an inactive duty (i.e. IDT, Muster Duty,

or Funeral Honors Duty) or active duty (i.e. Annual Training, Active Duty for Training, Active Duty for Special Works, or mobilization).

A review of your record reflects that you enlisted in the Naval Reserve on 27 August 1986 under the Navy ROTC program. You completed the program and accepted an active duty commission on 21 May 1988, which established the start of your anniversary year. Upon retiring, your statement of service reflected that you completed 28 qualifying years with a total of 5,520 points, and your anniversary year began on 1 October. On 5 July 2024, your statement of service was corrected to reflect that you earned 5,440 points, and your anniversary began on 1 May. Naval Personnel Command (PERS-91) completed an audit of your record in response to the Board's request for an advisory opinion. At that time PERS-91 found that your record contained 239 non-creditable points; 27 points for summer training and 212 correspondence courses points while performing drills, thereby deeming the crediting of these points invalid. As such, your statement of service was amended on 16 August 2024 with 28 qualifying years of service and 5,281 total retirement points creditable for pay.

In this connection, the Board majority did not concur with the comments contained in the advisory opinion regarding rendering relief. The Board majority recognized your record outlined the authorization of non-creditable correspondence courses points over time, however it is the Services responsibility to ensure retirement pay is in compliance with applicable laws and policies. The Board majority agreed that your anniversary date and points were properly adjusted per policy and these required corrections did not result in your loss of qualifying years of service for non-regular retirement. Therefore, a change to your record is not warranted.

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,

1/13/2025

