



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

█  
Docket No. 8065-24  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures  
(2) Certificate of Release or Discharge from Active Duty (DD Form 214)  
(3) Petitioner Memo, subj: Request for a Special Selection Board, 2 June 2023  
(4) CNPC 1401 Ser 80/0343 Memo, subj: FY-24 Active-Duty Navy Captain Line  
(Limited Duty Officer (Surface)) Special Selection Board, 9 July 2024

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 reinstatement to active duty in the rank of Captain. Additionally, he requested rescission of his Certificate of Release or Discharge from Active Duty (DD Form 214) and removal of his “retired” status.

2. The Board, consisting of █, █, and █, reviewed Petitioner’s allegations of error and injustice on 15 August 2024 and, pursuant to its regulations, determined 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 records, 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 as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. After failing to select at the Fiscal Year 2024 (FY24) Active Duty Captain Line Promotion Selection Board (PSB), Petitioner reached maximum service as a Commander and was forced to retire on 30 September 2023. See enclosure (2).

c. On 2 June 2023, Petitioner requested a Special Selection Board (SSB) due to a possible material administrative error and evidence material unfairness by the FY24 Active Duty Captain Line PSB. A FY24 Active Duty Captain Line (Limited Duty Officer (Surface)) SSB convened 10 April 2024 and selected Petitioner for promotion to Captain. On 9 July 2024, Petitioner was notified of the Secretary of the Navy’s selection approval with an effective date of rank of 1 October 2023. On 31 July 2024, his nomination was confirmed by the Senate. See enclosures (1), (3), and (4).

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

d. Petitioner contends his selection by the SSB is proof that he “should be back in uniform and leading during a time when the Navy needs it most.” Approval of his request will also correct the injustice and “help repair the people’s, and [his] faith, in the Navy.” See enclosure (1).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. The Board noted that Petitioner’s selection to Captain by the SSB and the Senate confirmation removed the reason he was forced to retire. Providing Petitioner is otherwise qualified to serve on active duty, the Board concluded Petitioner’s reinstatement to active duty is in the interests of justice.

## RECOMMENDATION

In view of the above, the Board recommends the following corrective action.

Petitioner be reinstated to active duty and promoted to Captain with an effective date of rank of 1 October 2023, providing he is otherwise qualified to serve on active duty, and take all necessary actions required to rescind his retirement, to include rescission of his DD Form 214 and removal of all documents related to his retirement.

The Defense Finance and Accounting Service (DFAS) complete an audit of Petitioner’s records and make payment of any money that Petitioner may be entitled to.

Any material or entries inconsistent with or relating to the Board’s recommendation be corrected, removed or completely expunged from Petitioner’s record and that no such entries or material be added to the record in the future.

That the Department of Veterans Affairs (VA) be immediately notified of Petitioner’s change of status to take appropriate action with regard to his eligibility for VA disability compensation.

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 Regulation, 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.

8/29/2024

