

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

Docket No. 11848-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED],
USNR, XXX-XX [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1820-040, 13 Dec 14
(c) Title 10 U.S.C. § 12731

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NPC ltr 5740 PERS-91, 14 Jan 25
(3) 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 her naval record be corrected to show she was retired vice separated and received a Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting 20 years of honorable Naval service.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 May 2025 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 18 June 2003, Petitioner enlisted in the U.S. Naval Reserve for 8 years with an Expiration of Obligated Service (EOS) of 17 June 2011.

b. Reference (b) this article summarizes the eligibility requirements and responsibility for issuance of the Reserve Component (RC) Notification of Eligibility (NOE) letter. The NOE for non-regular (Reserve) retired pay will be issued by NAVPERSCOM (PERS-912) within 1 year of the member meeting all non-regular service requirements. NAVPERSCOM (PERS-912) normally issues the NOE for Reserve retired pay approximately 3 months after the close of the anniversary year in which the member completes the conditions necessary to qualify for retired pay benefits. Members on extended active duty orders or on the active duty list will not be

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issued an NOE until they have been released from active duty or returned to an RC status (as applicable). Per references (b) [DoD Instruction 1200.15 13 March 2013] and (d) [OPNAVINST 1820.1B], after a member has been granted retired pay for non-regular service or has received an NOE for non-regular (Reserve) retired pay (issued by NAVPERSCOM (PERS-912)), the member's eligibility may not be denied or revoked on the basis of any administrative error, miscalculation, or misinformation, unless it resulted from fraud or misrepresentation by the member. NAVPERSCOM (PERS-912) will make corrections to accurately reflect points earned. When such a correction is required, the member is entitled to retired pay based on the corrected amount of creditable service. Information concerning the RC Survivor Benefit Plan (RC-SBP), the elections available, the effects of such elections, and an enrollment application will be included with the NOE for non-regular (Reserve) retired pay.

c. Petitioner was discharged with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 14 June 2004 to 13 June 2021 upon completion of required active service.

d. On 14 June 2021, Petitioner reenlisted for 3 years with a new contract expiration date of 13 June 2024.

e. Reference (c) age and service requirements. (a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—(1) has attained the eligibility age applicable under subsection (f) to that person; (2) has performed at least 20 years of service computed under section 12732 of this title; (3) in the case of a person who completed the service requirements of paragraph (2) before April 25, 2005, performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed the service requirements of paragraph (2) before October 5, 1994, the number of years of such qualifying service under this paragraph shall be eight; and (4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

f. On 5 May 2024, [REDACTED] issued Petitioner an Administrative Remarks (NAVPERS 1070/613) listing the following: “I hereby acknowledge and have been made fully aware of my approaching Expiration of Obligated Service (EOS or EREN) as set forth in MILPERSMAN 1160-030. Furthermore, I understand that I shall notify the NRA of my Career Intentions no later than 60 days prior to my EOS. Failure to Reenlist or Extend prior to my EOS will result in my Separation from the Navy Reserve.”

“I do not intend to Reenlist/Extend and will Separate at my EOS. NOTE; If your intention is to Separate at EOS, please sign the attached ' Transfer from SELRES Status Counseling Page 13.”

g. On 15 September 2024, Petitioner wrote the following statement: “I, [Petitioner], am requesting a change from Separation to Retirement. I enlisted in the United States Navy on 06/14/2004. I served on Active Duty until 06/14/2021. I then served the remaining 3 years on SELRES Navy Reserve up to 06/13/2024. Prior to my “Separation,” I completed a NAVPERS

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1070/613. Unfortunately, I did NOT realize I was requesting to only Separate and NOT Retire from service. I received certified mail from my Reserve Command [REDACTED] the following documents: NAVPERS 1070/613 and NAVPERS 1070/615. It was then that I realized the error. I previously had missing ASOSH retirement points; I mailed my DD214 (AD) document to PERS-912 in April 2024. I never received an email notification regarding Separation Orders, Checklist, etc. I see now (in hindsight) that this must have been due to the missing ASOSH information and/or a host of unknown reasons why it never triggered the starting Separation process, which; in turn, disrupted the intention to Retire instead of just Separate from the United States Navy. I recently received a document (ASOSH Input), that now reflects 20 years of HONORABLE Meritorious Service completion.

I fully acknowledge and understand it is ultimately the responsibility of the Sailor to ensure they are aware of the requirements needed to successfully transition in their career. I am making this plea for my request for a DD214 for Honorable Retirement with Pay and to receive a DD 214 to reflect my 20 Years of HONORABLE Meritorious Service completion. Thank you in Advance for your time and attention to my current situation.”

h. On 19 September 2024, Navy Personnel Command issued a Statement of Service for Navy Reserve Retirement listing the following: 20 years of qualifying service, 6437 total retirement points creditable for pay, and date eligible for notification of eligibility (NOE) for retired pay 17 June 2024.

i. On 14 January 2025, Navy Personnel Command issued a Statement of Service for Navy Reserve Retirement listing the following: 19 years, 11 months, and 26 days of qualifying service, 6,441 total retirement points creditable for pay, and date eligible for notification of eligibility (NOE) for retired pay “blank.” Petitioner was honorably discharged effective 13 June 2024.

j. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board agreed that Petitioner served in the U.S. Navy Active Component from 14 June 2004 through 13 June 2021 and directly affiliated with the Reserve Component. In accordance with enclosure (2), upon affiliation with her Navy Reserve Center (NRC), Petitioner’s 17 years of active duty service was not properly accounted for in her participation. Petitioner was discharged on 13 June 2024 at her EOS, 4 days short of obtaining 20 qualifying years. Had the NRC noticed the discrepancy and updated her record, they would have realized that her impending discharge would occur 4 days before she would achieve 20 years of qualifying service, and they would have extended her contract to allow her to cross that threshold to reach retirement eligibility. Therefore, the Board determined that relief is warranted. However, Petitioner is not entitled to a DD Form 214 showing 20 years of service, as Petitioner was not on active duty at the time of her EOS.

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RECOMMENDATION

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

Petitioner's discharge from the U.S. Naval Reserve effective 13 June 2024, is rescinded.

Petitioner executed a 1 month agreement to extend enlistment (NAVPERS 1070/621) operative on 14 June 2024.

Petitioner was transferred to the retired reserve, without pay, effective 1 July 2024. Note: That any other action affected by the Board's recommendation be corrected.

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

That no further changes be made to 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 titled 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.

5/17/2025

