



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 4189-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitation and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 8 April 2026. The names and votes of the panel members 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. The Board also considered the 4 June 2025 advisory opinion (AO) from Commander, Navy Personnel Command (PERS-95). Although you were provided a copy of the AO by U.S. mail on 16 June 2025 and by email on 17 June 2025, a response in rebuttal to the AO was not received by the Board.

A review of your naval record reveals that you commissioned as an officer in the Navy and served an initial period of active duty service from 7 June 1978 through 13 May 1981, at which time you were released from service and you affiliated with the Navy Reserve. Over the ensuing years, from time to time, you served periods of reserve naval service, and your periods of service were regularly recorded and maintained at Navy Personnel Command. On 8 October 1997, Chief of Naval Personnel wrote to you explaining that your request to transfer to Standby Reserve-Inactive (USNR-S2) status was approved and effective 1 October 1997. On 15 March 2001, Commander, Navy Personnel Command wrote to your commanding officer directing him to place you into "Honorary Retired Reserve" status on 1 April 2001. On 3 May 2001, your commanding officer wrote to you explaining that, "the Secretary of Navy approved your request and authorized your transfer to the Retired Reserve and honorary placement on the Navy's Retired Reserve List effective 1 April 2001." The letter from your commanding officer

explained that you were “not eligible for non-regular service retired pay benefits at age 60 having completed less than 20 qualifying years of military service.”

In your application, you requested that the Board correct your naval record to reflect that you were not physically qualified (NPQ) for reserve service with 15 years of service and, therefore, warranted a non-regular retirement under 10 USC 12731b. In support of your request, you argued that, while you were in the reserve, you had a condition that rendered you not physically qualified, and that your command erred when it failed to take the required steps to ensure you received a non-regular retirement at 15 years of service.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and it disagreed with your rationale for relief. In reaching its decision, the Board observed that your petition turned on a narrow and specific detail, *viz.*, whether you had 15 years of qualifying service. This issue was discussed in detail in the AO:

To address the statement “he had at least 15 years of qualifying service toward a non-regular retirement at the time he was transferred to the Honorary Retired Reserve.” Do not concur. NAVPERSCOM (PERS-91), the office charged with computation of all Reserve statements of service, computed [Petitioner’s] retirement points, and verified multiple times at the highest levels of PERS-91 leadership. Reference (d) demonstrates [Petitioner] has 13 Years of Qualifying Service (YQS) towards retired pay for non-regular service at the time of his departure from service, according to the documentation he provided, and all other documentation readily available to the Navy via personnel records.

To address the statement “He should have been retired under the authority set forth in 10 USC 12731b.” Do not concur. As [Petitioner] has fewer than 15 YQS, he is not eligible for any retired pay benefits under any provision of law.

The Board determined that the AO, in particular with the excerpt above, addressed a threshold matter in your petition and determined that this matter was dispositive based on your lack of sufficient qualifying service to meet the minimum statutory eligibility requirements for retirement under 10 USC 12731b. The Board further noted that you were provided a copy of the PERS-95 AO, and you did not provide any response in rebuttal to the AO. Thus, the Board concurred with the un rebutted AO, which the Board determined was rational and based on substantial facts.

Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

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,

4/20/2026

