



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

[REDACTED]
Docket No. 6822-25
Ref: Signature Date

[REDACTED]

Dear [REDACTED],

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 30 September 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 (PERS-91) letter 5740 PERS-91 of 18 August 2025.

On 12 August 1986, you enlisted in the U.S. Naval Reserve for 8 years with an Expiration of Obligated Service of 11 August 1994.

You were discharged with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 12 August 1986 to 23 January 1990 for immediate reenlistment.

On 24 January 1990, you reenlisted in the U.S. Navy for 4 years with a new contract expiration date of 23 January 1994.

You were released from active duty and transferred to Naval Reserve with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 24 January 1990 to 6 August 1993 for reduction in force.

On 23 July 1994, you reenlisted in the inactive U.S. Naval Reserve for 6 years with a new contract expiration date of 22 July 2000.

In accordance with BUPERSINST 1001.39E published on 26 April 2005, "Adjustment to Anniversary Years. a. The start date (month and day) for each successive anniversary year will not be adjusted unless the member has a break in service. A break in service occurs only when a member transfers to the inactive status list, the temporary disability retired list, the Retired Reserve, or is discharged for a period greater than 24 hours. There is no break in service if a member transfers directly to another Regular or Reserve service. b. Effective 1 October 1995, when a member with a break-in-service returns to an active Reserve status or to active service, the revised anniversary year start date shall be the date of return or reentry. c. It is very important that individual reservists be aware of their anniversary year because retirement points earned in 1 anniversary year are, by law, not transferable to any other anniversary year. Years of qualifying service are calculated as of the end of each anniversary year. d. In an anniversary year in which fewer than 50 points are credited, the earned points are added to the cumulative retirement point total, but that anniversary year is not a qualifying year."

Record of Discharge from the U.S. Naval Reserve (Inactive) (NAVPERS 1070/615) was issued with an honorable discharge date of 22 July 2000.

On 27 September 2000, Commander, Naval Reserve Personnel Center issued a Statement of Service (SOS) for Naval Reserve Retirement listing the following period of service from 12 August 1986 to 22 July 2000. Furthermore, you completed 12 qualifying years of service and a total of 3,012 retirement points creditable for pay.

On 28 September 2000, Commander, Naval Reserve Recruiting Command, Accession In Lieu of Recommendation on Members Who Have Never Been in a Drilling Status issued you an Administrative Remarks (NAVPERS 1070/613) listing the following: "I believe I was recommended for re-affiliation/reenlistment."

On 29 September 2000, you reenlisted in the U.S. Naval Reserve for 6 years with a new contract expiration date of 28 September 2006.

On 20 May 2006, you signed an agreement to extend enlistment for 12 months with a new contract date of 28 September 2007 to coincide with retirement.

On 24 August 2007, [REDACTED] notified [REDACTED] that IRT Administrative Separation request in case of [REDACTED], discharge member within five working days of receipt of this message. Using format of paragraph 806 of BUPERSINST 1001.39E, enter the following on NAVPERS 1070/613 (service record pg. 13) in lieu of the NAVPERS. 1070/615 (Record of Discharge): A. TYPE DISCHARGE: OTHER THAN HONORABLE. B. REASON FOR DISCHARGE: MISCONDUCT - DRUG ABUSE. C. NOT RECOMMENDED FOR RE-ENLISTMENT (RE-4), SPD CODE HKK. D. AUTHORITY: MILPERSMAN 1910-146.

On 15 March 2012, Chairman, Board for Correction of Naval Records notified Commander, Navy Personnel Command that Petitioner's naval record be corrected to show that on 31 August 2007, he was issued a general discharge vice the OTH discharge, now of record. That a copy of this report of proceedings be filed in Petitioner's naval record. That upon request, the

Department of Veterans Affairs be informed that Petitioner's application was received on 23 May 2006.

On 31 October 2023, Commander, Navy Personnel Command issued a Statement of Service for Navy Reserve Retirement listing a break in service from 22 July 2000 to 29 September 2000. Furthermore, your anniversary year was adjusted to 29 September. Finally, you completed 19 qualifying years of service and a total of 3,456 retirement points creditable for pay.

On 19 May 2025, Commander, Navy Personnel Command notified The Honorable [REDACTED] [REDACTED] Member, United States House of Representatives that "Thank you for your correspondence of February 5, 2025, on behalf of your constituent, [REDACTED] a former member of the United States Navy Reserve, requesting assistance with his retirement calculation. Your desire to assist [REDACTED] is appreciated.

The Reserve Personnel Management Branch reviewed [REDACTED] inquiry regarding his retirement calculation. [REDACTED] enlisted in the United States Navy Reserve on August 12, 1986, which established his Anniversary Year towards a Non-Regular Retirement. [REDACTED] was discharged on July 22, 2000. He again enlisted with the Navy Reserve on September 29, 2000. In accordance with Bureau of Naval Personnel Instructions 1001.39F- Administrative Procedures for Navy Reservists, the start date for each successive Anniversary Year will not be adjusted unless a member has a break in service, defined as a discharge for a period greater than 24 hours. Due to the break in service between his discharge on July 22, 2000, and reenlistment on September 29, 2000, the Anniversary Year date became September 29, 2000. [REDACTED] active duty service from August 12, 1992, through August 6, 1993, and his subsequent Reserve service from August 7, 1993, through August 11, 1993, collectively total as one full year towards his Non-Regular Retirement eligibility.

The Reserve Personnel Management Branch concurs with the Board for Correction of Naval Records Docket Number NR 20220004558, that following the break in service on July 22, 2000, the adjustment of the Anniversary Year was appropriate. [REDACTED] received a general discharge on August 31, 2007, having completed 19 years of qualifying service and earning 3,456 points. Upon his discharge, [REDACTED] did not earn enough time in service to be eligible to receive a Non-Regular Retirement. Under the provisions of continuous service, a member may reenlist within 3 months and maintain pay grade and promotion eligibility. However, for the purpose of receiving a Non-Regular Retirement, members must still meet the requirement of a qualifying year by earning 50 points or more in a 12 month Anniversary Year.

It is the opinion of the Reserve Personnel Management Branch that the Navy led [REDACTED] to believe that his Anniversary Year was uninterrupted following his reenlistment in September of 2000, as indicated on the Statement of Service dated November 11, 2006. If the Anniversary Year had remained August 12, 1993, he would have achieved 20 years of qualifying service by his time of discharge. At no time before his discharge on August 31, 2007, did the Navy identify or rectify this error. It was not until [REDACTED] initial congressional inquiry of October 10, 2023, seeking assistance in his retirement calculation,

when the Anniversary Year on his Statement of Service was adjusted, was this administrative error brought to light.

The Reserve Personnel Management Branch believes [REDACTED] has a valid case which constitutes an injustice that should be adjudicated by the Board for Correction of Naval Records. It is recommended that [REDACTED] again petitioned the Board for Correction of Naval Records to have his Anniversary Year changed from September 29, 2000, to August 12, 1993, and to have his break in service removed; thereby giving him 20 years of qualifying service and making him eligible for Non-Regular retired pay. The serving Personnel Management Branch cannot make such changes to his record without direction from the Board for Correction of Naval Records.”

On 8 July 2025, Commander, Navy Personnel Command issued a Statement of Service for Navy Reserve Retirement listing the following break in service from 23 July 2000 to 28 September 2000. Furthermore, you completed 19 qualifying years of service and a total of 3,456 retirement points creditable for pay.

On 28 September 2025, PERS-91 notified BCNR that, “...I do not see any mention or recognition of his clear break in service as illustrated in our response to both the Congressional Inquiry (May 2025) and our current BCNR Advisory Opinion. Documentation for such break in service was in the response and part of the attachment that you forwarded. As noted, if the member’s anniversary was never changed from what it was during his years of service, he would have had 20+ years of service towards a non-regular retirement.

I understand the confusion in the present-day response given the previous answers (multiple) provided over the years. It is odd to have multiple inquiries from multiple entities over multiple years. Exercising our due diligence and investigating all aspects of his case we concluded in our letter that the anniversary date adjustment ~ 16 years after his time in service was an administrative error that was beyond his reasonable control and should have been corrected on/about Sep 2000 when he was still serving.”

You requested to change your anniversary year from 29 September to 12 August and remove your break in service. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that this correction of changing your anniversary year from 29 September 2000 back to the correct Anniversary Year to 12 August 1993 and removing your break in service will give you the 20 qualifying years that you need for non-regular retired pay. However, the Board agreed that in accordance with BUPERSINST 1001.39E, “[t]he start date (month and day) for each successive anniversary year will not be adjusted unless the member has a break in service. A break in service occurs only when a member transfers to the inactive status list, the temporary disability retired list, the Retired Reserve, or is discharged for a period greater than 24 hours.” Furthermore, “Effective 1 October 1995, when a member with a break-in-service returns to an active Reserve status or to active service, the revised anniversary year start date shall be the date of return or reentry.”

Your record shows that your anniversary year was established on 12 August 1986. You were discharged from the Navy Reserve at your end of contract on 22 July 2000 and reenlisted for a period of 6 years on 29 September 2000 - break in service. Therefore, the Board found that your correct anniversary year is 29 September. The Board disagreed with the advisory opinion that the Navy led you to believe your anniversary year was uninterrupted following your reenlistment on 29 September 2000. Although it appears the Navy did not correct your anniversary year until 31 October 2023, the Board noted that on 20 May 2006, you signed an agreement to extend enlistment for 12 months with a new contract date of 28 September 2007 to coincide with retirement. At that time, you were about 4 months short of finishing your 19th year of qualifying service. The Board concluded that the execution of this document suggests that by May 2006, you were indeed aware that you would not reach retirement eligibility until 28 September 2007. However, you were administratively separated for misconduct on 31 August 2007. Therefore, the Board determined that due to the break in service, the Navy's correction to your anniversary year to 29 September was appropriate and the Board found no injustice warranting that you receive credit for time you did not serve.

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,

11/17/2025
[REDACTED]