



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

██████████
Docket No. 7203-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USNR,
XXX-XX ██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) OJAG letter 5300 Ser 13/1PL0562.19 of 24 May 19
(c) SECNAVINST 1920.6D of 24 Jul 19

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by Office of Legal Counsel (BUPERS-00J) ltr, 14 Aug 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 his naval record be corrected to show that the effective date of the Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) is 6 April 2025 vice 30 April 2025.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 31 March 2026 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. Petitioner's Naval Reserve Officers Training Corps Scholarship Contract signed on 22 August 2010 listed the following: PURPOSE. The Navy and the Student agree that the purpose of this contract is for the Navy to provide the educational assistance identified in Paragraph 2a. (collectively, the 'Scholarship Benefits') to the Student in exchange for the Student's agreement to serve in the United States Navy or Marine Corps as a commissioned officer and to comply with all other Contract terms and conditions.

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b. On 22 August 2010, Petitioner enlisted in the U.S. Naval Reserves for 8 years with an EOS of 21 August 2018.

c. Petitioner's Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) prepared on 23 March 2015 and signed on 15 May 2015 listed the following: Block 6 (Designator) 1390. Block 13 (Permanent Grade) ENS. Block 14 (Permanent Grade Date) 22 May 2015. Block 15 (Present Grade) ENS. Block 16 (Present Grade Date) 22 May 2015. Block 18 (Type of Duty) Active. Block 24 (Branch) USN.

d. In accordance with reference (b), "[t]his opinion discusses the two questions raised by reference (a) [ASN (M&RA) ltr of 18 Jul 10]. BLUF. In accordance with section 1552 of reference (b), the Secretary of the Navy (S5CNAV), acting through BCNR, may determine that the Department of the Navy's (DON) failure to transition 57 officers to the Reserve Active-Status List (RASL) so that a break in service did not occur constitutes an error that may be corrected by adjusting the effective date of a Reserve appointment to a date consistent with section 632(a) of reference (b) [Title 10 U.S.C.].

Question 1. Were all officers listed in the group petition approved for Reserve appointments? Answer. Yes. Pursuant to section 12203 of reference (b) and reference (c), all 57 concerned officers were properly appointed to the RASL on 19 Apr 18, when the Secretary of Defense signed the scroll. Question 2. Does BCNR have the authority to adjust the effective date of a Reserve appointment to a date earlier than the appointment approval date? Answer. Yes. Pursuant to section 1552 of reference (b), the SECNAV may correct any military record, acting through BCNR, when it is considered necessary to correct an error. The record demonstrates an error by the DON when the subject officers were not transferred in a timely manner from the ADL to the RASL. Accordingly, all 57 officers now have a break in service. Nothing in law, regulation, or policy prohibits the SECNAV from using his authority in section 1552 of reference (b) to adjust the subject officers' effective dates of appointment to the RASL."

e. In accordance with reference (c), "[t]his instruction applies to the separation, discharge, termination of appointments, release from active duty, mandatory retirement for length of service or age, characterization of service, and dropping from the rolls of Regular and Reserve Navy and Marine Corps officers in the grades of Warrant Officer, W-1 to O-8."

"Processing Time Goals. To support policy objectives and further the efficient administration of officer separations, every effort will be made to adhere to the following time goals for processing separations. Failure to process an administrative separation within the prescribed time goals will not create a bar to separation or characterization. Separation processing should be completed: By the date of fulfillment of service obligation for separations upon fulfillment of service obligation;... By the date granted in any extensions..."

"Regular Officers Requesting Reserve Commissions Upon Resignation a. A Regular officer requesting resignation under this enclosure who has completed the eight-year military service obligation outlined in paragraph 4a of this enclosure and who requests a

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Reserve commission upon resignation from the Regular Navy or Marine Corps will normally be tendered such a commission, provided a requirement exists for the officer's skill in the grade and competitive category in which the officer would serve in the Navy or Marine Corps Reserve.

f. Petitioner's Ready Reserve Transfer Request Service Agreement (NAVPERS 1200/1) signed on 5 April 2025 listing the following: "This agreement is in connection with assignment to [REDACTED]. 1) Name of unit: [REDACTED].

I certify that as member of the Ready Reserve. I am and will remain immediately available for any active duty, including active duty for training or involuntary mobilization or recall to which I may be ordered in accordance with law. I understand that I am required to perform 48 drills and 14 days of active duty for training annually per 10USC 14107."

g. Petitioner was separated and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 15 May 2015 to 5 April 2025.

h. Petitioner's Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) prepared on 30 April 2025 and signed on 30 April 2025 listed the following: Block 3 (Designator) 1315. Block 18 (Permanent Grade) LT. Block 19 (Permanent Grade Date) 1 June 2019. Block 20 (Present Grade) LT. Block 21 (Present Grade Date) 1 June 2019. Block 23 (Type of Duty) Inactive. Block 26 (Branch) USNR.

i. On 9 May 2025, COMNAVPERSCOM notified Petitioner that "I regret to inform you of an administrative matter that has impacted your SELRES affiliation. Due to recent administrative changes at the Office of the Secretary of Defense (OSD), there has been an unexpected delay in the signing of scrolls that directly effects your gain date. Unfortunately, this will cause a break in service.

A break in service will cause a loss of Transition Assistance Management Program (TAMP) benefits, among other implications I understand the inconvenience this may cause, and I am committed to assisting you throughout this process. In the interim, please immediately enroll into Tricare Reserve Select to prevent further exacerbation of the issue.

To best rectify this situation, you will need to file a request with the Board for Correction of Naval Records (BCNR) after your affiliation to the Selected Reserves (SELRES)."

j. On 14 June 2025, COMNAVRESFORCOM issued Petitioner Inactive Duty Training Orders – Termination/Cancellation/Modification listing the following: "Your assignment to [REDACTED] [REDACTED]), is hereby modified in accordance with the references listed above, effective 30 April 2025 as indicated below: You are assigned to [REDACTED] [REDACTED]), [REDACTED] [REDACTED] for inactive duty in a pay status. Your tenure in this billet will expire 31 December 2025 unless terminated sooner by proper authority or otherwise modified."

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“Amplifying Remarks: Member affiliated via RPAC. Member signed Reserve Oath of Office on 30APR2025 and Ready Reserve Agreement 1200/1 on 05APR2025. Affiliation effective date, per 1200/1, is 30APR2025. Member has been assigned in assignment processing (IAP) status and needs to obtain a billet within 120 days. Junior Officers must submit an application in JO APPLY by deadline date annotated on the JO APPLY calendar...” Furthermore, no approval determination/signature was listed.

k. In correspondence 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. “After reviewing BCNR Docket No. [REDACTED] and the applicable statutes, I have carefully considered the case at hand. I recommend the Board for Correction of Naval Records (BCNR) approve the petition submitted by [Petitioner]. The Petitioner has demonstrated a material error or injustice resulting from human error, which led to his record erroneously indicating a break in service.

Conclusion. a. In the absence of contrary evidence, the presumption of regularity regarding official actions applies, meaning the actions taken were correct and proper. b. The Petitioner has provided sufficient evidence to overcome this presumption. The evidence supports a finding of a material error or injustice concerning the Petitioner’s assertions. The Petitioner has met the burden required to overcome the presumption of regularity. As such, the Petitioner’s request should be granted.”

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 corrective action. The Board determined Petitioner resigned from active duty on 5 April 2025 with the intent to affiliate into the Navy Reserve without a break in service. However, due to administrative changes at the OSD, there was an unexpected delay in the signing of scrolls that directly affected Petitioner’s gain date. Petitioner’s NAVPERS 1000/4 was prepared on 30 April 2025 and accepted by Petitioner the same day. The Board determined that the break in service was due to administrative delay and at no fault of Petitioner, therefore the acceptance date of the NAVPERS 1000/4 shall be adjusted to 6 April 2025. Furthermore, that Petitioner’s record reflects continuous service during his transition from the ADL to the RASL. Finally, Petitioner is entitled to all benefits associated with appointment in the Navy Reserves on that date.

RECOMMENDATION

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

Petitioner’s Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) was signed 6 April 2025 vice 30 April 2025.

Note: That any other entries affected by the Board’s recommendation be corrected.

A copy of this report of proceedings will be filed in Petitioner’s naval record.

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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.

4/9/2026

[REDACTED]