



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 5643-99

16 February 2000

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) NPC Memo Pers 913 of 15 Jan 00  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that his record be corrected to show that he transferred to the Retired Reserve with eligibility for retired pay at age 60.

2. The Board, consisting of Mr. Dunn, Mr. Pfeiffer and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 8 February 2000 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, 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, finds as follows:

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

b. Enclosure (1) was filed in a timely manner.

c. The record shows that Petitioner was hospitalized from 19 October 1997 to 24 October 1997 and the discharge diagnosis was "acute psychotic episode". Subsequently, Petitioner was found not to be physically qualified for retention in the Naval Reserve. On 15 May 1998 he was informed that he had the option of requesting discharge or retirement under the provisions of the Reserve Transition Benefit (RTB) program. The provisions of the RTB program, as they apply to this case, allow retirement with eligibility for pay at age 60 for individuals with over 15 years of qualifying service who are found not physically qualified for retention in the Naval Reserve. At the end of the anniversary

year on 28 August 1997, Petitioner was credited with 17 years, 11 months and 29 days of qualifying service for retirement. Inexplicably, on 26 May 1998, he requested discharge. There is no discharge documentation in the record and the actual date of discharge is unknown. Petitioner states that he was discharged on 5 May 1998. However, as indicated, he did not request discharge until 26 May 1998 and the 5 May 1998 date appears to be incorrect.

d. In his application, Petitioner states that he did not understand his options because of his mental condition and the medication he was taking. At enclosure (2) is an advisory opinion from the Navy Personnel Command which recommends that the record be corrected to show that he transferred to the Retired Reserve under the provisions of the RTB program.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that after being diagnosed as having an acute psychotic episode and being placed on medication, he may not have understood his alternatives. Accordingly, the Board agrees with the recommendation in the advisory opinion to correct the record to show reserve retirement under the provisions of the RTB program. The Board notes that the discharge date cannot be confirmed by the service record. Therefore, the Board concludes that the discharge of 5 May 1998, or any other date in 1998, should be canceled and the record should show that he transferred to the Retired Reserve under the provisions of the RTB program on 1 June 1998 in the rate of MS2.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand his status in the Retired Reserve.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not discharged on any date in 1998 but transferred to the Retired Reserve on 1 June 1998 under the provisions of the RTB program in the rate of MS2.

b. That this Report of Proceedings be filed in Petitioner's naval record.

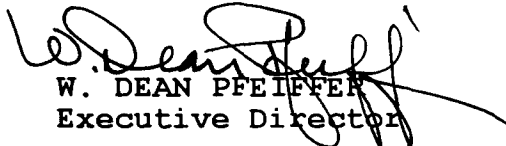
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and

complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
ALAN E. GOLDSMITH  
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director