



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 6669-01
5 February 2002

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

Subject: [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) CNRC memorandum 1133 Ser 31 of 7 November 2001
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to void the discharge issued on 21 January 2000.

2. The Board, consisting of Mr. Brezna, Mr. Pfeiffer, and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 5 February 2002 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. 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.

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.

RECOMMENDATION:

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

- a. The discharge issued on 21 January 2000 is null and void. Member enlisted in the Naval Reserve for 4 years active duty on 11 September 1997 to serve in the Baccalaureate Degree Completion Program (BDCP). He was subsequently disenrolled from the program and reported to Recruit Training Center (RTC), Great Lakes (as required, to serve 24 months in enlisted status) on 27 March 2000. Member should have reported directly to RTC on his initial contract. A new enlistment document DD Form 4/1 and release/discharge certificate DD Form 214 was not required. However, sometime in April member was notified that there was an overpayment on his account based on a retroactive DD Form 214 which discharged him from the USNR on 21 January 2000. This discharge was erroneous and should be voided. Members pay should be corrected accordingly.

- b. Leave issues should be addressed in a separate petition, with supporting documentation

- c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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

G. L. ADAMS
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.

5 February 2002

W. DEAN PREIFFER
Executive Director