



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

LCC:ddj
Docket No: 3252-03
11 June 2003

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments
(2) CMC memorandum 1000 CMT of 14 May 2003
(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 show entitled Petitioner is entitled active duty pay and allowance for the period of time he was mobilized for active to include per diem for travel and payment for medical care, through TRICARE, for his family.

2. The Board, consisting of Messrs. McPartlin, Novello, and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 10 June 2003 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. On 17 February 2002 Petitioner executed an extension of two (2) months to his enlistment of 18 August 1998. Extension was executed on 17 February 2002 and was the second extension to his contract of 18 August 1998. His end of contract was 17 April 2003.

b. Petitioner was mobilized for active duty effective 2 March 2003 and was on active duty through 10 April 2003 when he was released from active duty. At the time of his release from active duty he was given a Separation Designator of "MBK5" and reenlistment code was "RE-1A".

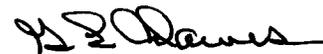
c. Petitioner will be authorized payment of all pay and allowances to include per diem for his travel to California. He was ordered to report to Kansas City, MO then to travel by POV to the Reserve Support Unit, Camp Pendleton, CA. After they discovered he was past service limits he was directed to travel via POV from Camp Pendleton, CA to Fayetteville, AR 72703 and released from active duty.

d. During period of time Petitioner was on active duty his son was sick with an appendicitis attack. Petitioner is authorized payment of medical expenses for his family during this period of active duty.

e. 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

Docket No: 3252-03

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.

11 June 2003



W. DEAN PFEIFFER
Executive Director