



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

TRG

Docket No: 11143-07

7 May 2008

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) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy Reserve, filed an application with this Board requesting that she be reinstated in the Navy Reserve.
2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 15 April 2008 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. Petitioner's application was submitted in a timely manner.
  - c. Petitioner reenlisted in the Navy Reserve on 6 December 2003 for six years. Sometime after that date, she was barred from the Naval Support Activity (NSA), Naples because she had used cancelled orders to obtain a vehicle registration and NATO coupons. Further, there were issues concerning the improper sale of her car to an Italian national. At the end of her anniversary year on 5 January 2005 she was credited with 15 years of qualifying service for reserve retirement purposes.
  - d. Based on the foregoing record, Petitioner was processed for an administrative discharge. On 29 August 2005 an administrative discharge board (ADB) found that she had committed misconduct but recommended her retention in the Navy Reserve. The recommendation for retention was subsequently approved by the

Commander, U. S. Naval Forces, Europe.

e. The directive barring Petitioner from the base was not rescinded and she was not able to report for drills. On 17 May 2007 she was notified of separation processing due to unsatisfactory participation in the Navy Reserve. On 27 September 2007, the discharge authority directed a general discharge due to unsatisfactory participation and she was so discharged that same day. The 27 September 2007 date is probably correct but there is an administrative remarks entry in the record showing that she was discharged on 8 April 2007. At the time of her discharge she was not recommended for reenlistment.

f. Petitioner has submitted documentation showing that on 11 October 2007 the Commanding Officer, NSA, Naples rescinded the order barring her from the base.

g. Attached to enclosure (1) is an advisory opinion from the Navy Personnel Command which states that Petitioner was properly discharged by reason of unsatisfactory participation. However, it further states that if she is now able to participate with the Navy Reserve, she should contact her local recruiter for possible reentry.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board agrees that the action to bar her from NSA, Naples and the discharge processing were proper. However, the Board notes that she was retained in the Navy Reserve following the earlier finding of misconduct by the ADB but could not drill because of the related barring order. Since the order barring her from the base has now been rescinded, the Board believes that, in retrospect, the proper action that should have been taken was to transfer her to the Individual Ready Reserve (IRR), rather than discharge processing.

Therefore, the Board concludes that Petitioner's naval record should be corrected to show that on 17 May 2007 she was transferred to the IRR with a recommendation for reaffiliation. Her record should then be corrected to show that she was not discharged on 27 September 2007 or any other date in 2007, but remained a member of the Navy Reserve.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the circumstances of the case and the reasons for the correction to her record.


RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that on 17 May 2007 she was transferred to the IRR with a recommendation for reaffiliation.
- b. That Petitioner's record be further corrected to show that the discharge of 27 September 2007 or any other date in 2007, was cancelled and that she be reinstated as a member of the Navy Reserve as if she was never discharged.
- c. 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

  
BRIAN J. GEORGE  
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