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Docket No. 07864-08
21 January 2009

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

Subj: ~~REDACTED~~
        REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 5 Aug 08 w/attachments
        (2) PERS-822 memo dtd 20 Oct 08
        (3) Subject's ltr dtd 25 Nov 08 w/enclosure

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 Petitioner's reversion to his permanent warrant officer status was effective 1 June 2008, vice 1 July 2008.

2. The Board, consisting of Mses. LeBlanc and Wilcher and Mr. Sproul, reviewed Petitioner's allegations of error and injustice on 15 January 2009, 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. According to Article 1100-060 the Navy Military Personnel Manual, Petitioner's request for reversion should have been submitted to reach the Navy Personnel Command (NPC) a

minimum of three months in advance. He says his command assured him the requisite paperwork would be submitted for him when the time came. He says after he had spoken with his community manager, he submitted his request for a 1 June 2008 reversion on 17 April 2008. It was approved for 1 July 2008, rather than 1 June 2008 as Petitioner had requested.

    d. In correspondence attached as enclosure (2), the NPC officer retirement office commented to the effect Petitioner's request should be disapproved, as his reversion request was not submitted until 17 April 2008, and it did not reach NPC until 13 May 2008.

    e. In enclosure (3), the Director, Naval Reactors recommended approving Petitioner's request, as his staff "did not properly follow up with the reversion request requirements to him [Petitioner], nor did they submit the appropriate paperwork in the appointed time frame as they had obligated themselves to do..."

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding enclosure (2), and particularly in light of the supporting statement at enclosure (3), the Board finds an injustice warranting the following corrective action:

RECOMMENDATION:

    a. That Petitioner's naval record be corrected, where appropriate, to show his reversion to his permanent warrant officer status was effective 1 June 2008, vice 1 July 2008.
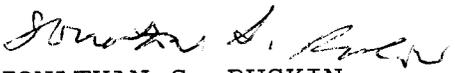
    b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

    c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

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

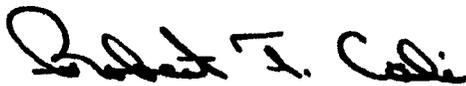complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN   JONATHAN S. RUSKIN
Recorder   Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.

                                       W. DEAN PFEIFFER

Reviewed and approved:

2-6-09

Robert T. Call
Assistant General Counsel
Manpower and Reserve Affairs)