



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

TRG

Docket No: 12194-08

7 June 2009

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 her record be corrected to show that she extended her last enlistment so that she can continue as a member of the Navy Reserve.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 27 May 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. Petitioner's application was filed in a timely manner.

c. The record shows that Petitioner was honorably discharged on 4 March 1989 with 10 years of qualifying service for reserve retirement. She then had a break in service until she reenlisted in the Navy Reserve on 21 October 1997. She then earned five consecutive qualifying years for reserve retirement. At that time, she ceased earning qualifying years for five years. On 30 October 2006 she extended her enlistment for two years. In the anniversary year ending on 20 October 2008 she has been credited with 49 of the 50 retirement points necessary for another qualifying year. Her two year extension expired on 29 October 2008. She has been credited with one retirement point in this nine day period. Her statement of service shows that she has been credited with 15 years and 23 days of qualifying

service. She was born on 20 July 1953 and is now 55 years old.

d. Petitioner states in her application that she was denied further service because she had not participated for the five years prior to her last year. She contends that she could not earn points because of various life events such as deaths in her family and a divorce. She points out that she only missed having a qualifying year in 2008 by one point and that one point was credited two days after the end of her anniversary year.

e. As indicated, Petitioner extended her last enlistment for two years. The regulations only allow for extensions up to a maximum of four years.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Given the circumstances, the Board concludes that she should be given an opportunity to qualify for retirement. Therefore, her record should be corrected to show that on 29 October 2008 a two year extension became effective. This will give her an opportunity to earn further qualifying years.

Since she only missed having another qualifying year by one retirement point and that point was credited in the following year, the Board further concludes that one retirement point should be transferred into the anniversary year ending on 20 October 2008. With this action she will have 16 years of qualifying service.

Whether or not she can earn another qualifying year before 20 October 2009 is unknown. However, since her application was received in December 2008, there has been about a six month delay in resolving her case. If in the future she cannot qualify for retirement solely because she missed a qualifying year in 2009 by a few retirement points, she may be able to convince a future Board that some nonpay retirement points should be credited in that anniversary year.

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 reasons for the changes in her record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 29 October 2008 she extended her enlistment for an additional period of two years.

b. That one retirement point be moved from the partial anniversary year ending on 29 October 2008 into the anniversary year ending on 20 October 2008.

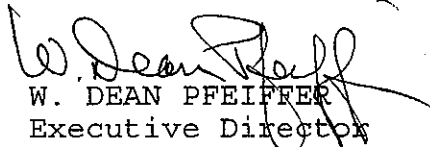
c. That this Report of Proceedings be filed in Petitioner's naval record.

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