



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

TRG  
Docket No: 807-09  
17 March 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 March 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You were released from active duty and transferred to the Navy Reserve on 13 February 1968 with three years and 19 days of active service. The anniversary year ending on 13 February 1969 is qualifying for reserve retirement. On 14 April 1971 you reenlisted in the Navy Reserve and then earned 15 qualifying years for reserve retirement. On 10 November 1985 you were transferred to the Individual Ready Reserve because of unsatisfactory participation. You were honorably discharged on 3 April 1991 at the expiration of your last enlistment. Therefore, your record shows 18 years and 19 days of qualifying service for reserve retirement.

You became 60 years of age on 11 February 2007 and in January 2009 you applied to the Board requesting various corrections to your record so that you would be eligible for reserve retirement. You point out that you first entered the Navy on a minority enlistment which allowed four years credit in the computation of service needed to transfer to the Fleet Reserve and if you were credited with this service you would have 19 years of qualifying service. You then requested that you be given credit for a period of time when you worked for the Navy as a civilian employee.

Regulations in effect at the time allowed for crediting of four

years service for transfer of active duty members to the Fleet Reserve of members on a minority enlistment who served less than four years. However, the law only allows for crediting of the actual active duty time served for the computation of reserve retirement. Finally periods of time served as a civilian employee are not creditable. It appears that you were eligible to reenlist in April 1991 but did not do so for some unknown reason. Given the passage of time no other information is available.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director