



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

DJC
Docket No. 8384-09
20 October 2009

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy
Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) NPC Memo 1160 Ser 811/586 dtd 31 Aug 09
(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 he reenlisted USN vice USNR.

2. The Board, consisting of Mr. Pfeiffer, Mr. George, and Mr. Exnicios, reviewed Petitioner's allegations of error and injustice on 19 October 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. 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. The Branch/Class (BR/CL) on the reenlistment executed on or about 6 July 2007 is USN, vice USNR. The BRCL is 11, RADOMO is 000, and EREN is 000000.

b. The agreement to remain on active duty (NAVPERS 1070/622), effective on or about 6 July 2009, is null and void.

c. The Branch/Class (BR/CL) on the agreement to extend enlistment, (NAVPERS 1070/621) operative on or about 6 July 2009 is USN (BRCL is 11), vice USNR.


d. The agreement to remain on active duty (NAVPERS 1070/622), effective on or about 6 October 2009, is null and void.

e. The Branch/Class (BR/CL) on the agreement to extend enlistment, (NAVPERS 1070/621) operative on or about 6 October 2009 is USN, vice USNR. The BRCL is 11, EAOS is 5 November 2009, SEAOS is 5 November 2009, RADOMO is 000, and EREN is 000000.

f. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. 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


WILLIAM J. HESS, III
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.

20 October 2009


W. DEAN PFEIFFER
Executive Director