



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

LCC
Docket No. 7640-10
21 Dec 10

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 7000 PERS 8353 of 1 Nov 10
(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 Petitioner received credit for his summer Reserve Officer Training Corps (ROTC) cruises toward his retirement pay.
2. The Board, consisting of Messrs. Exnicios, George, and Pfeiffer reviewed Petitioner's allegations of error and injustice on 21 December 2010 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 essentially as follows: Prior to 31 December 2009 US Navy retirees were granted credit for Midshipman cruises performed while member of Reserve Officer Training Corps (ROTC). After 31 December 2009, the policy changed. No credit has been granted after that date even for retirees whose cruises were completed prior to 31 December 2009. This particular applicant should be granted credit, but only because he began the process of seeking credit prior to 31 December 2009.

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. Petitioner was authorized credit for the following summer cruises while enrolled in ROTC:

8 August - 6 September 1977, USS Albany (CG-10), 29 Days

31 July - 25 August 1978, CORTRAMID WEST, 25 days

6 August - 4 September 1979, USS La Moure County (LST-1194), 29 days.

Petitioner will be authorized credit for the midshipman cruises for 2 months and 23 days as creditable service for retirement pay purposes only.

b. 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 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.

22 December 2010


W. DEAN PFEIFFER