



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

SJN
Docket No: 02302-11
14 March 2011

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 with attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy Reserve, filed enclosure (1) with this Board requesting that his administrative discharge of 2 December 2010 by reason unsatisfactory participation in the Ready Reserve, be removed from his Official Military Personnel File (OMPF).

2. The Board, consisting of Mr. Exnicios, Mr. Pfeiffer, and Mr. Zsalman, reviewed Petitioner's allegations of error and injustice on 11 March 2011 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 enlisted in the Navy Reserve on 5 January 1991. During his service, he was advanced to petty officer first class (EO1; paygrade E-6). Up until the incident at issue, he had no disciplinary actions of record. In November 2010, his reserve unit forwarded a letter to the separation authority recommending that he be administratively separated under honorable conditions due to his unsatisfactory participation in the Ready Reserve. In 19 November 2010, the separation authority

concurrent and directed that he be separated. He received a general discharge on 3 December 2010. However, an email from the Commander, Naval Reserve Force staff, dated 10 March 2011 states, in part, that he was erroneously discharged from the Navy Reserve on 3 December 2010 due to an administrative oversight. He suffered a heart attack in March 2010, and was placed on six months authorized absence but was later inadvertently transferred to another unit. Unfortunately, his status was not communicated to the new unit and subsequently he was discharged for unsatisfactory participation. Additionally, had he not been transferred from his unit, he would not have accumulated the requisite number of unauthorized absences that led to his discharge. In his application, he states that he wants to be placed back in his original Navy Reserve unit and billet.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the supporting email from the Navy Reserve Force staff, the Board concludes that Petitioner's request warrants favorable action in the form of relief.

After careful and conscientious consideration of the entire record, the Board concludes that Petitioner's administrative discharge by reason of unsatisfactory participation in the Ready Reserve of 3 December 2010, be removed from his OMPF.

RECOMMENDATION:

a. That Petitioner's administrative discharge of 3 December 2010 by reason unsatisfactory participation in the Ready Reserve and all other documentation related to it be removed from his OMPF.

b. That any material or entries inconsistent with or relating to 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 any material direct to be removed from Petitioner's naval record be returned to this Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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 Regulation, 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