



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 3301-99

13 September 1999

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 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former officer of the United States Naval Reserve, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was transferred on 1 March 1995 to the individual ready reserve (IRR) vice 1 February 1995.

2. The Board, consisting of Mr. Adams, Mr. Pfieffer, and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 21 July 1999 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. Enclosure (1) was filed in a timely manner.

c. Petitioner was commissioned as an ensign (O-1) in the Naval Reserve on 22 July 1988. He had completed four years of college in 1979.

d. On 22 October 1988 Petitioner was assigned to a Naval Reserve intelligence unit. Subsequently, he received two weeks of indoctrination commencing on 26 March 1989 and was subsequently promoted to lieutenant on 1 June 1992.

e. Petitioner attended his regularly scheduled drill on 7-8 January 1995. He then was requested by his commanding officer to drill on the weekend of 21-22 January 1995 due to a scheduled Navy exercise. On 1 February 1995 he was transferred to the IRR. On 31 July 1998 he was honorably discharged from the Naval Reserve.

f. On 5 March 1999 the Defense Finance and Accounting Service notified Petitioner that because he had exceeded the allowable number of 16 drills for the period October 1994 to January 1995, he would have to return the monies received for the 21-22 January drills. The letter further stated that four drills were authorized for each month of service.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. Along these lines, the Board believes that Petitioner was not aware that his transfer to the IRR would occur on 1 February 1995 and probably was unaware that by drilling on 21-22 January 1995, he exceeded the number of drills allowed. Consequently, the Board believes that the record should be corrected to show that Petitioner transferred to the IRR on 1 March 1995. Thus, his 21-22 January 1995 drills can be counted as if he had drilled in February 1995.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was transferred to the IRR on 1 March 1995 vice the date of 1 February 1995.

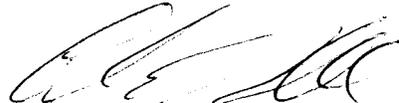
b. That any claims against Petitioner for monies owed for the 21-22 January 1995 drill be canceled as if those drills were completed in February 1995.

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

4. It is certified that a quorum was present at the Board's

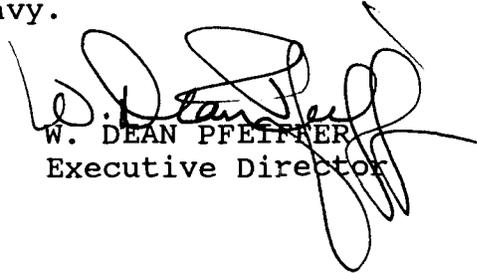
review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
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