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

TRG
Docket No: 3532-99
30 September 1999

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

Subj: REVIEW OF NAVAL RECORD OF [redacted]

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

Encl: (1) DD Form 149 w/attachments
(2) NPC Memo 5420 Pers 911 of 30 Aug 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a retired Naval Reserve CDR (O-5), filed enclosure (1) with this Board requesting that that he be paid for drills performed on 29-30 December 1993.

2. The Board, consisting of Mr. Tew, Mr. Pfeiffer and Mr. Pauling, reviewed Petitioner's allegations of error and injustice on 28 September 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. The advisory opinion at enclosure (2) states that Petitioner was authorized 12 paid drills during the period 1 October to 31 December 1993. He missed the regularly scheduled drills of 4-5 December 1993 but instead drilled on 29-30 December 1993. The 4-5 December drills were erroneously entered as authorized absences, which means they counted towards the completion of the 12 drill limitation and could not be made up. Thus, the 29-30 December drills were in excess of the authorized 12 drills. Petitioner retired on 1 January 1994. Subsequently, he was paid for the 29-30 December drills, but was not informed of the error until 1999 when the Defense Finance and Accounting Center (DFAS) informed him he was overpaid $626.38. The advisory opinion recommends that the record be corrected to establish Petitioner's entitlement to the drill pay.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that he was unaware that the 4-5 December drills could not be made up and performed the 29-30 December drills in good faith with the expectation of being paid. Therefore, the Board agrees with the recommendation contained in the advisory opinion and concludes that the record should be corrected to show that his absences from the regularly scheduled drill on 4-5 December were excused vice authorized absences and the excused drills were made up on 29-30 December 1993.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that his absence from the regularly scheduled drills on 4-5 December 1993 were excused vice authorized absences and the excused drills were made up on 29-30 December 1993.

b. That 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