

In the United States Court of Federal Claims

No. 99-883C
(Filed October 7, 2005)

DANNY T. BARNES, *
Plaintiff, *

v. *

THE UNITED STATES, *
Defendant. *

ORDER FOR THE ENTRY OF FINAL JUDGMENT

The Opinion and Order, filed June 22, 2005, concluded that plaintiff's discharge from the Navy on March 1, 2001, was invalid. The Opinion provided that plaintiff shall be reinstated with back pay, less adjustments or offsets required, such as civilian earnings for the period following his discharge. Counsel were requested to confer and reach agreement on the amounts involved. By a Notice, filed October 4, 2005, defendant has supplied the back pay calculations agreed upon by the parties. These calculations, as set forth in the attachment to the cited Notice, are adopted as a part of this Order. The calculations show that the reduction of the back pay and reimbursement for which plaintiff is entitled, by reason of the adjustments required, produces a negative figure. As a result of the required adjustments, plaintiff is entitled to a net monetary recovery of \$0.00. This result, that required adjustments or offsets exceed back pay and reimbursements, in no way impacts on the court's jurisdiction to grant collateral relief. *Craft v. United States*, 218 Ct. Cl. 579, 589 F.2d 1057 (1978).

Accordingly, it is **ORDERED** that final judgment shall be entered providing:

(1) As a result of required adjustments or offsets to the back pay and reimbursement for which plaintiff is entitled, the net monetary recovery in plaintiff's favor which shall be awarded is \$0.00;

(2) Plaintiff shall promptly be reinstated in the Navy at his current rank;

(3) Plaintiff's records shall be corrected to eliminate references to the removal of his name from the 1998 promotion list for the purpose of the reconsideration of his promotion for 2001 by a Special Selection Board ("SSB");

(4) Following plaintiff's reinstatement, the Secretary of the Navy shall convene a SSB, pursuant to 10 U.S.C. § 628, to reconsider, upon a corrected record, plaintiff's 2001 failure of selection for promotion.

James F. Merow
Senior Judge