



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

MEH
Docket No. 1970-08
21 July 2008

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) CNRC memo 1133 Ser 32/
(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 that he enlisted in paygrade E-2, vice E-1, based on college credits.
2. The Board, consisting of Messrs. Exnicios, George, and Zsalman, reviewed Petitioner's allegations of error and injustice on 14 July 2008 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, in paygrade E-1, on 24 May 2007. He alleges he should have been enlisted in paygrade E-2 based on 45 semester hours of college credits earned prior to his enlistment.
 - c. COMNAVCRUITCOMINST 1130.8G establishes criteria for enlistment in an advanced paygrade. Personnel with the requisite number of college credits to meet the advanced paygrade criteria must present official college transcripts prior to their ship date. If

transcripts cannot be obtained, through no fault of the member, a statement must be entered on the DD Form 1966. Applicants must sign this statement acknowledging it is their responsibility to produce the required transcripts prior to graduation from recruit training. Authorization for advanced paygrade is cancelled upon graduation from recruit training if the transcripts have not been provided.

d. Petitioner's DD Form 1966/1 (Record of Military Processing) indicates a code of "12L" in block 12, Education. This code is assigned to members who are High School Diploma Graduates. Block 22a, (Education) of the DD Form 1966/2 provides a section for the applicant to "list all high schools and colleges attended." The only item listed is Brandford High School. There are no colleges listed.

e. There are no entries elsewhere on the DD Form 1966/1 that would indicate Petitioner revealed or discussed completion of any college credits with the recruiting staff.

f. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has recommended the request be denied. A thorough review of his enlistment documents did not reveal any notations that Petitioner discussed or revealed any college credits with the Recruiter, the Classifier, or anyone else, at any time prior to his ship date.

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (2), the Board concludes that Petitioner's request warrants favorable action. The Board opined that a prospective recruit, with qualifying college credits, would not knowingly enlist in paygrade E-1 if in fact he was eligible for an advanced paygrade based on that college credit. Moreover, the Board was of the opinion that because Petitioner had actually earned college credit before enlisting, he should receive an advanced pay grade at enlistment for that college credit notwithstanding the evidence that such college credit was omitted from his enlistment application and his enlistment contract.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. He enlisted in paygrade E-2, vice E-1, effective 24 May 2007 (Active Duty Service Date). He was further advanced to paygrade E-3

effective 16 March 2008. Petitioner met the criteria for advanced paygrade based on college credits.

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 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

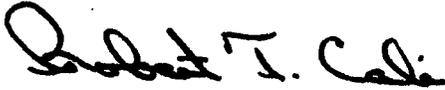
WILLIAM J. HESS, III
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.



W. DEAN PFEIFFER
Executive Director

Reviewed and Approved:



7-29-08

Robert T. Cali
Assistant General Counsel
(Manpower and Reserve Affairs)