



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

MEH  
Docket No. 277-09  
27 Jul 09

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/ of 16 Apr 09  
(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. George, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 27 July 2009 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 entered the Delayed Entry Program (DEP) on 29 January 2008 and shipped to active duty on 29 May 2008.

c. He was enlisted in paygrade E-1 but alleges he should have been enlisted in paygrade E-2 based on college credits earned prior to service.

d. Criteria for enlistment in an advanced paygrade are found in COMNAVCRUITCOMINST 1130 series. The policy states that "The recruiter shall brief all applicants that they must provide the documentation necessary to be awarded advanced paygrade before their ship date."

e. Official transcripts are the only documents acceptable for requesting enlistment in an advanced paygrade based on college credits.

f. Petitioner states in his application to the Board that "The record is in error from the result of not having transcripts submitted prior to Boot Camp" and "My transcripts were not filed before or during Boot Camp was completed."

g. Petitioner shipped to active duty on 29 May 2008 without having submitted his college transcripts. He therefore shipped to active duty as an E-1.

h. 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. The Navy Recruiting Command's established policy requires all applicants desiring enlistment in a higher paygrade to produce official transcripts prior to their ship date. Recruiters brief all applicants regarding this policy, and if official transcripts are provided an entry will be made in Section VI, Remarks, of the DD Form 1966. No entry was made for Petitioner (indicating no transcripts were provided).

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 partial favorable action. Enlistment in paygrade E-2 requires a minimum of 24 semester credits, a review of Petitioner's official transcripts revealed a total of 33 acceptable college level semester credits. This is sufficient for enlistment in paygrade E-2. The Board reasoned that because Petitioner had actually earned the college credits prior to enlisting he should receive an advanced paygrade for that college credit, notwithstanding the fact his official transcripts were not timely submitted in accordance with established policy.

RECOMMENDATION:

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

a. He enlisted in paygrade E-2, vice E-1, effective 29 May 2008 (Active Duty Service Date). Based on this correction he is entitled to be further advanced to paygrade E-3 effective 16 March 2009.

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.

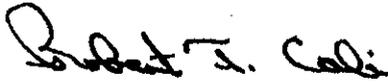
ROBERT D. ZSALMAN  
Recorder

  
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

  
9-2-09

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