



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

MEH
Docket No. 7144-09
1 Mar 10

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 10 Nov 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-3, 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 1 March 2010 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 8 October 2008 and shipped to active duty on 25 November 2008.

c. Petitioner signed and executed DD Form 4/3 acknowledging he was voluntarily enlisting in paygrade E-1, but now alleges he should have been enlisted in paygrade E-3 based on college credits earned prior to his enlistment.

d. Criteria for enlistment in an advanced paygrade are found in COMNAVCRUITCOMINST 1130 series. The policy clearly 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's DD Form 1966/1 (Record of Military Processing) indicates an education code of "12L" High School Diploma Graduate. Block 22a of the DD Form 1966/2 lists Saint Xavier High School. There are no entries indicating Petitioner revealed that he had previously attended college at the time of enlistment.

g. On 24 November 2008 Petitioner signed an "Advanced Paygrade Enlistment Statement of Understanding" indicating he was NOT eligible for Advanced Paygrade.

h. On 25 November 2008, Petitioner shipped to active duty without having submitted any college transcripts. He shipped to active duty in paygrade E-1.

i. Petitioner states that his Recruiter did not inform him of the advanced paygrade requirements based on college credits.

j. 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, noting that official college transcripts were not provided prior to ship date, Petitioner did not indicate anywhere on the DD Form 1966 that he had attended college, and Petitioner signed the Advanced Paygrade Statement of Understanding indicating he was "NOT eligible for advanced paygrade."

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 was of the opinion that because Petitioner had actually earned the college credits before enlisting he should receive an advanced paygrade at enlistment for that 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 was enlisted in paygrade E-3, vice E-1, effective 25 November 2008 (Active Duty Service Date). He met the criteria for advanced paygrade based on college credits. (NOTE: The change in the effective date of advancement to E-3 may also impact on Petitioner's

E-4 advancement opportunity. If Petitioner was eligible for the E-4 examination but did not take it because the above change had not been made, the following procedures will apply. Petitioner should take the next available E-4 advancement examination and compare the Final Multiple Score (FMS) received on that examination with the FMS that was required for the "missed" examination. If the score received meets or exceeds the score that was previously required for advancement Petitioner may reapply to the Board for consideration of advancement to E-4 retroactive to the date he would have been advanced on the "missed" examination cycle. A command endorsement/recommendation and a copy of this letter must be included. The Board will determine whether the request will be approved.)

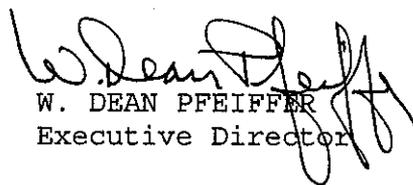
b. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

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.

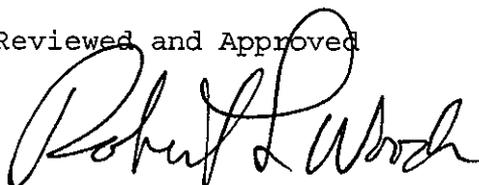
ROBERT D. ZSALMAN
Recorder


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


Assistant General Counsel
(Manpower and Reserve Affairs)

4/1/10