



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No: 1795-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) NRLP Community Manager ltr 1400 of 22 Jan 21
(3) NPC, PERS-00J ltr of 16 Apr 21

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by changing his Lieutenant Junior Grade (LTJG/O-2) date of rank (DOR) from 28 August 2020 to 28 August 2019.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 November 2021 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, relevant portions of Petitioner's 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 28 August 2020, Petitioner accepted a direct commission in the Navy Reserve Judge Advocate General (JAG) Corps via the Navy Reserve Law Program (NRLP).

b. Petitioner contends that he should have been appointed to the grade LTJG/O-2 with one year Time in Grade (TIG) credit, that would have made him eligible for promotion to Lieutenant (LT/O-3) during September 2021. Petitioner also contends that his DOR should be 28 August 2019 instead of 28 August 2020. Petitioner claims that he was not aware that his constructive service was not properly calculated and applied.

c. In correspondence from the NRLP Community Manager, he explained that new accessions to the program who receive a direct commission, are entitled to constructive credit, which in turn accelerates their eligibility for and promotion to LT/O-3, and places them in parity with their

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active component counterparts. He also explained that, in Petitioner's case, his constructive DOR for LTJG was improperly calculated, which deprived him of a year of constructive credit. Petitioner's correct DOR should have been 28 August 2019, which would make him eligible for O-3 on 28 August 2021. The Community Manager noted that the error was wholly on the part of the Navy, not due to any fault or negligence on Petitioner's part and was entirely beyond Petitioner's control. See enclosure (2).

d. The advisory opinion (AO) furnished by PERS-00J recommended that Petitioner's request for relief should be approved. The AO determined that the evidence provided shows Petitioner's DOR should be 28 August 2019. The AO also determined that pursuant to regulations, Petitioner should receive three years entry grade credit which should give Petitioner one year time in grade as a LTJG. The AO concluded that Petitioner's DOR was incorrectly calculated through no fault of his own. See enclosure (3).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting corrective action. The Board noted the correspondence furnished by the NRLP Community Manager and substantially concurred with the AO that Petitioner's DOR is in error. Accordingly, the Board determined that Petitioner's DOR should be changed from 28 August 2020 to 28 August 2019.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by changing his DOR to LTJG from 28 August 2020 to 28 August 2019.

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.

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.

11/19/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]