



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

[REDACTED]
Docket No. 5262-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] [REDACTED], USN, [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 1430 PERS 8031/122 of 29 Mar 22
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), 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 to establish advancement to paygrade E-3 and receive associated back pay.
2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 April 2022 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 record, 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 14 November 2019, Petitioner entered active duty in paygrade E-1.
 - b. On 28 March 2022, Navy Personnel Command (NPC) corrected Petitioner's paygrade to E-2 with an effective date of 14 August 2020.
 - c. On 28 March 2022, NPC corrected Petitioner's paygrade to E-3 with an effective date of 14 May 2021.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2)¹, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the eligibility criteria for advancement to paygrades E-2 and E-3 in accordance with reference (b)². However, because of administrative oversights, Petitioner's advancements were

¹ Enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that Petitioner's Enlisted Master File was corrected to reflect correct paygrade and advancement path.

² Reference (b), time-in-rate requirements from E-1 to E-2 is 9-months and E-2 to E-3 is 9 months.

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not effected in a timely manner. The Board found the Service made the appropriate record updates but could not confirm that Petitioner received retroactive pay and allowances. Therefore, the Board felt that under these circumstances, partial relief is warranted.

RECOMMENDATION

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

Petitioner is entitled to pay and allowance for paygrade E-2 effective 14 August 2020.

Petitioner is entitled to pay and allowances for paygrade E-3 effective 14 May 2021.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine retroactive pay and allowances entitlement.

The part of Petitioner's request for corrective action that exceeds the foregoing is denied because in accordance with enclosure (2), the Service corrected dates of advancement to E-2 and E-3 without Board action.

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

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

6/1/2022

[REDACTED]

Deputy Director

[REDACTED]