



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

[REDACTED]
Docket No. 6772-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR RET,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7B Chapter 1

Encl: (1) DD Form 149 w/attachments
(2) 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 show Petitioner's Pay Entry Base Date (PEBD) of 25 May 1983 be changed to reflect date of initial entry of military service (DIEMS) or date reported to the United States Naval Academy (USNA).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 14 December 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 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, 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. In accordance with reference (b), states that the retired pay base is usually determined by date the member first entered military service. Furthermore, the Date of Initial Entry into Military Service (DIEMS) determines whether the retired pay base is the monthly basic pay of the member just before retirement or an average of the highest 36 months of basic pay applicable during the member's career.

The several military pay and personnel systems use a variety of dates to determine various entitlements. Among them is the date that denotes how much service a member has for the purpose of determining longevity pay rates. The Army refers to this as the "pay entry basic date," the Navy and Marine Corps refer to this as the "Pay Entry Base Date." For most members who enter and serve on active duty without a break in service, the basic pay date is the date the member enters active 2BDoD 7000.14-R Financial Management Regulation Volume 7A, Chapter 1 *April 2021 1-5 or inactive service.

Do not use any service that is not listed as creditable service to compute a basic pay date. The following list includes a few types of service that are not creditable: For an officer, the time served while attending a military service academy including the U.S. Merchant Marine Academy.

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- c. On 6 July 1979, Petitioner was admitted to the U.S. Naval Academy.
- d. On 25 May 1983, Petitioner signed an Officer Appointment Acceptance and Oath of Office and was appointed an Ensign in the Active U.S. Navy with a present grade date of 25 May 1983.
- e. On 25 May 1983, Petitioner entered active duty, and was honorably released from active duty and transferred to Naval Reserve on 30 January 1989 upon completion of required service.
- f. On 31 January 1989, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/20) and was appointed a Lieutenant in the Inactive U.S. Naval Reserve with a present grade date of 1 June 1987.
- g. On 5 April 2004, Commanding Officer, Naval Reserve Personnel Center issued Petitioner with a Notification of eligibility (NOE) to receive retired pay at age 60 and participate in the Reserve Component Survivor Benefit Plan (RCSBP).
- h. On 10 April 2013, Petitioner's request for transfer to the retired reserve effective 1 June 2013 was approved.
- i. On 22 May 2013, Commander, Navy Personnel Command notified Petitioner that the Secretary of the Navy approved his request and authorized his transfer to Retired Reserve status effective 1 June 2013.
- j. On 2 February 2021, Commander, Navy Personnel Command notified Petitioner that the Secretary of the Navy approved his application for retired pay for non-regular service. Petitioner was authorized retired pay effective 14 February 2021 based on 28 years, 6 days of qualifying service, 4,010 retirement points, and a Pay Entry Base Date of 25 May 1983.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded the PEBD is used to determine longevity pay rates, and that Petitioner's PEBD correctly reflects 25 May 1983, his date of commissioning. The DIEMS determines whether the retired pay base is the monthly basic pay of the member just before retirement or an average of the highest 36 months of basic pay applicable during the member's career. Petitioner's DIEMS date should be 6 July 1979, the date he was admitted to the U.S. Naval Academy.

RECOMMENDATION

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

Petitioner's DIEMS is "6 July 1979" vice "25 May 1983."

That part of the Petitioner's request for corrective action that exceeds the foregoing is denied.

Note: Defense Finance and Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

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

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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.

[REDACTED] 1/31/2022

Deputy Director
Signed by: [REDACTED]