



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

█  
Docket No. 80-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER █, USN,  
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552  
(b) COMNAVCRUITCOMINST 1130.8 (series)

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 her naval record be corrected to reflect promotion to the rank of E-2 and E-3 and receive the associated back pay.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 6 January 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), future Sailors who refer qualified applicants that subsequently delay entry program (DEP) into the Navy may be authorized advanced paygrade to E-2. The effective date of advancement will be the date the qualifying referral enlists (including DEP enlistment) or the date the future Sailor who made the qualifying referral begins active duty, whichever is later.

b. On 22 June 2007, Petitioner enlisted in Naval Reserve for 8-years in the pay grade of E-1 in the DEP with 4-year enlistment in the Regular Component of the U.S. Navy.

c. On 19 July 2007, Commanding Officer, Navy Recruiting District █ issued Petitioner a NAVPERS 1070/613, Administrative Remarks indicating Petitioner's enlistment in paygrade E-2.

d. On 14 July 2008, Petitioner entered active duty and enlistment documents reflect "authorized enlistment in/or advancement in paygrade E-2 having referred two new contracts that enlisted in DEP and who will assess within 12 months".

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XXX-XX-[REDACTED]

e. On 14 July 2008, Petitioner reported to [REDACTED], [REDACTED] for temporary duty.

f. On 20 August 2008, Petitioner discharged with Uncharacterized (Entry Level Separation) character of service and Erroneous Entry (Other) as the narrative reason for separation. DD Form 214, Certificate of Release or Discharge from Active Duty, Blocks 4a (Grade, Rate or Rank) and 4b (Pay Grade) reflects "SR" and "E1."

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the eligibility criteria to enter active duty in paygrade E-2 for DEP referrals in accordance with reference (b). However, the Board could not find nor did the Petitioner provide evidence of being eligible for accession in paygrade E-3. Therefore, under these circumstances, partial relief is warranted.

#### RECOMMENDATION

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

Petitioner issued DD Form 215, Correction to DD Form 214, Release or Discharge from Active Duty dated 20 August 2008, reflecting change to Block 4a (Grade, Rate, or Rank) "SA" vice "SR" and Block 4b (Pay Grade) "E2" vice "E1."

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

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

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.

2/17/2022

[REDACTED]  
Deputy Director

Signed by: [REDACTED]