



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

█
Docket No. 1886-22
Ref: Signature Date

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Dear █ █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 10 May 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion by Headquarters U.S. Marine Corps memorandum 1900 MMSR of 4 April 2022 and your response to the opinion.

On 9 July 2004, you entered the U.S. Merchant Marine Academy (USMMA) for school with the graduation class of 2008.

On 10 March 2005, you enlisted in the U.S. Marine Corps Reserve for 8 years. Furthermore, you signed a Service Agreement (1100) Platoon Leaders Class (Student Naval Flight Officer). On 2 █ you were joined to Officer Candidate School (OCS), █ for training.

On 11 June 2015, Commanding General, Marine Corps Recruiting Command (MCRC) published a MCRC Frost Call 020-15. Between 1997 and 2012, MCRC accessed midshipmen from the USMMA through the Platoon Leaders Class (PLC) and Officer Candidates Course programs. In 2012, the accession policy was updated to authorize USMMA midshipmen who declare Marine Option prior to their senior year the opportunity to attend the six week "Bulldog" program at OCS with preparation being provided by the Marine Liaison at the USMMA.

On 17 October 2017, you signed a Request for Conditional Release effective 15 June 2008. Your request was approved on 26 December 2007. On 13 March 2008, you signed a Service Agreement (1100) Platoon Leaders Class (Naval Aviator).

On 6 June 2008, Officer Selection Officer, ██████████ notified Commanding Officer, First Marine Corps District that you had PRK surgery and will not be cleared as SNA before graduation from the U.S. Merchant Marine Academy on 16 June 2008. You requested to transfer to the PLC Ground Program.

On 16 June 2008, you earned a degree of Bachelor of Science (Marine Engineering and Shipyard Management) from U.S. Merchant Marine Academy. Furthermore, you signed a United States Marine Corps Appointment Acceptance and Record (NAVMC 763) in the U.S. Marine Corps as a Second Lieutenant under the PLCGRND program with a pay entry base date (PEBD) of 7 May 2008.

On 20 August 2008, Commandant of the Marine Corps notified you that you were assigned to active duty on such date as will enable you to travel and report no earlier than 0800 and not later than 1700, on 22 August 2008 to OSS, ██████████ for Permissive Temporary Additional Duty (PTAD) for a period of approximately 60 days.

On 28 March 2019, you received a Notification of Change in Marine's Official Records changing block 17 (PEBD) to reflect 16 June 2008.

On 3 April 2019, Commandant of the Marine Corps notified you that based on law, regulations, federal court cases and decades long practice in the Navy, the Department of the Navy's position is that no service while a cadet or midshipmen at the Merchant Marine Academy is creditable service for an officer. The PEBD for officers graduating from these institutions is typically their date of commissioning unless they have creditable enlisted service post-graduation prior to their commissioning. MMSP will coordinate action with Programs and Resources Department (PAR) to correct erroneous pay entry dates for these individuals, remit any debt incurred for those in which this action creates a deficit in their account or payment for those in which this action creates a credit. Your PEBD in Marine Corps Total Force System (MCTFS) is 8 July 2005 and in the future will be corrected to 16 June 2008, which will incur a debt in your account.

In addition, your Armed Forces Active Duty Base Date (AFADBD) and Date of Original Entry into the Armed Forces (DOEAF) must be corrected. Your AFADBD will be corrected to reflect 21 August 2008, which credits active duty training conducted post-graduation from the Merchant Marine Academy. Your DOEAF in MCTFS is 11 September 2004.

You requested that your PEBD be corrected to the original date of 8 July 2005; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that the basic pay date is the date the member enters active duty. Furthermore, you were commissioned through the U.S. Merchant Marine Academy and your time spent in the PLC was while you were a member of the U.S.

Merchant Marine Academy. In accordance with DoD 7000.14-R FMR¹, time served while attending a military service academy including the U.S. Merchant Marine Academy is not creditable. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

6/8/2022

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Deputy Director
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¹ In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1. 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. Note: The midshipmen attending the U.S. Merchant Marine Academy sign contracts to join the enlisted Navy Reserve on the day they enter the Academy. Students who attend one of the six state Merchant Marine college programs and who receive a Naval Reserve Officers' Training Corps (ROTC) scholarship are treated the same as any Naval ROTC cadet or midshipmen. Students who attend one of the 6 state Merchant Marine college programs and who join the Navy after graduation from one of the programs are treated as any other member who joins the Navy.