



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

[REDACTED]
Docket No. 2395-22
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,
[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 date of initial entry of military service (DIEMS) reflect 6 July 1979 (date reported to the United States Naval Academy (USNA)) vice 25 May 1983.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 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, 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. On 6 July 1979, Petitioner was admitted to the USNA.

c. On 25 May 1983, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/4) in the U.S. Navy as an Ensign with a grade date of 25 May 1983 and a designator code of 1160 (URL Officer in training for Surface Warfare Officer qualification.).

d. On 25 May 1993, Petitioner entered active duty.

e. On 25 May 1983, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/4) in the U.S. Navy as an Ensign with a grade date of 25 May 1983

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and a designator code of 1160 (URL Officer in training for Surface Warfare Officer qualification.).

f. On 21 January 1997, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) in the inactive U.S. Navy Reserve as an Lieutenant Commander with a grade date of 1 April 1994 and a designator code of 1115 (URL Officer qualified as a Surface Warfare Officer.).

g. On 30 April 1997, Petitioner honorably resigned upon completion of required active service.

h. On 18 August 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).

i. On 12 May 2008, Commander, Navy Personnel Command notified Petitioner that the Secretary of the Navy approved Petitioner's request and authorized Petitioner's transfer to Retired Reserve status effective 1 June 2008. Petitioner would be eligible for retired pay benefits at age 60.

j. On 5 August 2021, Commander, Navy Personnel Command notified Petitioner that the Secretary of the Navy approved his application for retired pay for nonregular service. Petitioner's initial date of eligibility for retired pay is 1 August 2021. Per Petitioner's request, his authorization to retired pay is effective 1 August 2021.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)¹, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded the DIEMS for Service Academy graduates who entered an Academy with no prior service is the date they reported to the Service Academy, not the date they graduated. 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".

¹ Reference (b), 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. For members who first entered military service before 8 September 1980, the retired pay base is generally the final basic monthly pay that the member received upon the date of retirement. For members who entered the military service on or after 8 September 1980, the retired pay base is generally the average of the highest three years (36 months) of monthly basic pay to which the member received for any 36 months of active service whether those months are consecutive or not.

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

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.

4/29/2022

[REDACTED]