



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

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Docket No. 4405-22
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 28 July 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested entitlement to the special rate of basic pay for paygrades O-1 through O-3, based upon earning the requisite points required at the time of commissioning. 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 you did not meet the criteria for special rate of basic pay in accordance with Department of Defense Financial Management Regulation 7000.14-R. Specifically, the policy indicates effective the date of commissioning, officers in pay grades O-1 through O-3 with more than 1,460 points computed under 10 U.S.C. § 12732(a)(2) for service as an enlisted member, are entitled to the special rate of pay.

A review of your record reflects you enlisted in the Navy Reserve on 28 September 2007, which established your anniversary date. On 20 May 2014, you commissioned in the Navy Reserve.

Your Statement of Service for Navy Reserve Retirement certified by Navy Personnel Command (PERS-912) on 26 July 2022 indicates that you earned 1,423 points from 18 December 2007 [pay entry base date] through the end of your anniversary year ending 27 September 2014, thereby rendering you ineligible for the special rate of basic pay. The Board noted that any evidence of missing participation in your record can be submitted directly to PERS-912 for evaluation to be credited to your participation record. PERS-912 can be reached via the MyNavy Career Center at (833) 330-6622 or email: askmnc.fct@navy.mil.

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,

8/4/2022

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Deputy Director

Signed by: █