



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

[REDACTED]
Docket No. 6496-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DODFMR, Vol 7B, Chp 1
(c) DOD Military Pay

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 his naval record be corrected to establish Date of Initial Entry into Military Service (DIEMS).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 November 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, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 15 April 2009 Petitioner enlisted in the Naval Reserve for a term of 8 years of which 4 years is considered an active duty obligation; no previous service annotated. NAVCRUIT 1133/52, Enlistment Guarantees – Annex "A" listed Submarine Electronics Computed Field (SECF 5YO) Program (SUBVOL); and Navy College Fund - \$350 Kicker. Initial Active Duty Service Date (ADSD): 9 November 2009.

b. On 15 May 2009 Petitioner reclassified and issued NAVCRUIT 1133/52, Enlistment Guarantees – Annex "B" listing Nuclear Field (NF 6YO) Program; and Enlistment Bonus for Source Rate (EBSR) - \$21,000 Bonus – ADSD: 9 June 2009.

c. Petitioner entered active duty on 9 June 2009 establishing ADSD and Pay Entry Base Date.

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d. Petitioner's November 2022 leave and earning statement reflects DIEMS of 15 April 2009.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting the following corrective action. Petitioner's DIEMS was not established in accordance with references (b)¹ and (c)² upon entering active duty, therefore, the Board felt, under this circumstance, relief is warranted.

RECOMMENDATION

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

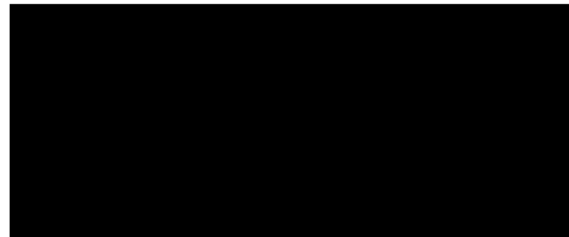
Petitioner's DIEMS is 15 April 2009.

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.

12/2/2022



¹ Reference (b), the retired pay base is usually determined by date the member first entered military service. The specific method for calculating the retired pay base may differ for certain involuntary retirements, but one way is by the DIEMS which 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.

² Reference (c) further specifies the date a member first entered uniformed service in any capacity establishes DIEMS, is fixed and does not change; departing the military and rejoining does not affect DIEMS.