



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

[REDACTED]
Docket No. 7203-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) COMNAVCRUITCOMINST 1131.2G of 14 Jun 18

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 to be advanced to E-4 on 21 November 2020, with appropriate back pay and basic allowance for housing (BAH), and appropriate back pay and BAH for E-5 from to 7 August 2021 to 16 December 2021.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 October 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. In accordance with reference (b), Civil Engineer Corps (CEC) collegiates may be advanced via three different methods while in the CEC Collegiate Program, to a maximum paygrade of E5, as follows: (1) If enlisted and placed on an active duty status, the CEC collegiate will be advanced to E4 after serving one year in paygrade E3. (2) CEC collegiates may be meritoriously advanced one paygrade upon referring a lead that results in an accession into any collegiate program. To initiate the advancement, upload the Meritorious Advancement for Referral Letter (Exhibit 080201) into PRIDE MOD II and notify NAVCRUITCOM. The effective date of advancement will be the date of enlistment for the referred member. The NAVCRUITDIST/NAVTALA [REDACTED] CO must sign this letter ("By direction" signatures are not authorized). (3) Upon graduation, CEC collegiates will be advanced to paygrade E5. To initiate the advancement, upload into PRIDE MOD II the Administrative Remarks (NAVPERS

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1070/613), transcripts showing graduation, and then notify NAVCRUITCOM. The effective date of advancement will be the date of graduation.

c. On 21 November 2019, Petitioner enlisted for 8 years in the U.S. Navy as an E-3 with an EOS of 20 November 2027 under Navy Officer Candidate CEC Officer (5100) Program.

d. On 21 November 2019, Petitioner began to receive Basic Pay, and BAH at the without-dependent rate for [REDACTED], [REDACTED].

e. On 21 November 2019, Petitioner signed Navy Officer Candidate Civil Engineer Corps (CEC) Officer (5100) Program Service Agreement (NAVCRUIT 1131/113). Petitioner acknowledged the following: That if entering the program from civilian life, he may enlist in the Navy as an OCSN/E-3 with the designator 510001 if currently in pursuit of a baccalaureate or master's degree. That, if enlisted and placed in an active duty status, he will be advanced to paygrade E-4 after serving one year in the paygrade E-3. In addition, he will be meritoriously advanced one paygrade (up to a maximum of E-5) upon referring a potential candidate to recruiters which results in an accession to the CEC, Nuclear Propulsion Officer, or Nuclear Power Instructor/Naval Reactors Programs. In any case, he will be advanced to E-5 upon graduation. No further advancements in paygrade will be authorized beyond E-5 prior to completion of OCS.

f. On 25 November 2019, Commander, Navy Recruiting Command notified Petitioner that in accordance with Program Authorization No. 104A of March 2014, he was hereby ordered to active military service with an effective date of enlistment 11 November 2019. He was an enlisted member of the Navy Reserve on active duty in the rate of OC (pay grade E-3) to serve in the Civil Engineer Corps Program. He was directed to report for active duty to the Commanding Officer, [REDACTED] ([REDACTED]).

g. On 7 August 2021, Petitioner was awarded Bachelor of Software Engineering from Auburn University.

h. On 24 August 2021, Petitioner was issued an Administrative Remarks (NAVPERS 1070/613) listing that he was authorized advancement to paygrade E-5 (OCP02) effective 7 August 2021 having graduated from Auburn University as a member the CEC program.

i. Petitioner was issued a Defense Finance and Accounting Service Military Leave and Earnings Statement for the period of 1 to 30 November 2021 listing him as an E-3 receiving Basic Pay, Basic Allowance for Subsistence (BAS), and BAH.

j. On 17 December 2021, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as an Ensign with a permanent grade date/present grade date of 17 December 2021 with a designator code of 5100 (Staff Corps Officer billet requiring Civil Engineering specialty).

k. Petitioner was issued a Defense Finance and Accounting Service Military Leave and Earnings Statement for the period of 1 to 31 December 2021 listing him as an E-5 receiving Basic Pay, BAS, and BAH.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b) and enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that effective 21 November 2020, one year after serving in paygrade E-3, Petitioner should have been issued a NAVPERS 1070/613 for advancement to E-4 and he should have been paid basic pay and BAH as an E-4 effective that date. Furthermore, Petitioner graduated from Auburn University on 7 August 2021 and was issued a NAVPERS 1070/613 for advancement to E-5 and he should have begun to receive the basic pay and BAH for E-5 effective 7 August 2021. The Board determined that DFAS should conduct an audit to determine Petitioner's basic pay and entitlements for the period of 21 November 2019 to 16 December 2021.

RECOMMENDATION

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

Petitioner was issued a NAVPERS 1070/613 listing that he was authorized advancement to paygrade E-4 (OCP03) effective 21 November 2020 having been an E-3 for a year. Note: Petitioner's advancement to paygrade E-5 (OCP02) effective 7 August 2021 is not affected by this change.

Note: Defense Finance & Accounting Service (DFAS) will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances for the period of 21 November 2019 to 16 December 2021.

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.

10/12/2022

