



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

[REDACTED]
Docket No. 7397-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
XXX-XX-[REDACTED] (RET)

Ref: (a) Title 10 U.S.C. § 1552
(b) Title 10 U.S.C. § 541
(c) BUPERSINST 1900.8, 28 Jun 93
(d) DoD 7000.14-R FMR Volume 7A, Chapter 1
(e) MILPERSMAN 1820-050

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NPC ltr 5420 PERS-8, 20 Dec 22
(3) Advisory opinion by NPC memo 5420 PERS-806, 21 Mar 23
(4) Advisory opinion by CO, NPC ltr 5730 PERS-91, 4 May 23
(5) 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 her naval record be corrected to show Petitioner's signature date on Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) is 2 June 2001 vice 25 May 2001.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 May 2023 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, to include references (b),¹ (c),² (d),³ and (e).⁴

¹ Reference (b), notwithstanding any other provision of law, each cadet at the United States Military Academy or the United States Air Force Academy, and each midshipman at the United States Naval Academy, is entitled, before graduating from that Academy, to state his preference for appointment, upon graduation, as a commissioned officer in either the Army, Navy, Air Force, or Marine Corps.

² Reference (c), the Certificate of Release or Discharge from Active Duty (DD Form 214) is prepared to cover periods of service on active duty, active duty for training, full-time training duty, active duty for special work, certain periods terminated by a change of status not concurrent with separation from active service, and release from a status that is legally determined to be void.

³ Reference (d), the several military pay and personnel systems use a variety of dates to determine various entitlements. Among them is the date that denotes how much service a member has for the purpose of determining longevity pay rates. The Army refers to this as the "pay entry basic date," the Navy and Marine Corps refer to this as the "pay entry base date," while the Air Force calls it the "pay date." This chapter will refer to this data element as the "basic pay date," which is defined as reflecting all service that is creditable towards longevity. For most members who enter and serve on active duty without a break in service, the basic pay date is the date the member enters active or inactive service.

⁴ Reference (e), the full year periods used for the crediting of qualifying service toward a non-regular (Reserve) retirement shall be based on "anniversary years." These anniversary year periods are calculated from an anniversary date unique to each Service

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3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 25 May 2001, Petitioner signed a NAVPERS 1000/4 in the active U.S. Naval Reserve as an Ensign with a Permanent grade date/Present grade date of 25 May 2001 and a designator code of 1395 (An Unrestricted Line Officer who is in training for duty involving flying as a pilot).

b. On 2 June 2001, Petitioner graduated from [REDACTED], [REDACTED] with a Bachelor of Science degree in Chemistry and Life Science Field of Study.

c. On 22 June 2010, Petitioner signed a NAVPERS 1000/4 in the inactive U.S. Naval Reserve as a Lieutenant with a Permanent grade date/Present grade date of 1 June 2005 and a designator code of 1315 (An Unrestricted Line Officer who is qualified for duty involving flying heavier-than-air, or heavier and lighter-than-air type of aircraft as a pilot).

d. Petitioner was discharged with an Honorable character of service and was issued a DD Form 214 for the period of 25 May 2001 to 31 July 2010 upon completion of required active service.

e. On 29 April 2021, Office of the Dean, [REDACTED], [REDACTED] notified To Whom It May Concern that this is to certify that petitioner was in attendance as a cadet at the [REDACTED] [REDACTED]. She entered on June 30, 1997 and graduated on June 2, 2001. A Bachelor of Science Degree with a major in Chemistry & Life Science was conferred at graduation. Her service was honorable throughout her four years at the [REDACTED].

f. On 22 July 2022, Commander, Navy Personnel Command notified Petitioner that per 10 U.S.C. § 10154 and 10 U.S.C. § 12774(a), the Secretary of the Navy approved and authorized your request to transfer to Retired Reserve status effective 1 October 2022. Upon submission of application per the guidelines of BUPERSINST 1001.39F, Petitioner will be eligible under 10 U.S.C. § 1223 for retired pay benefits, to include medical benefits at age 60.

g. In the advisory opinions, attached as enclosures (2), (3), and (4), the offices having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2), (3), and (4), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner was still a [REDACTED] with the [REDACTED] when NAVPERS 1000/4 was executed effective 25 May 2001, however, her appointment should have coincided with her graduation date of 2 June 2001. Therefore, NAVPERS 1000/4 should be changed to reflect that Petitioner signed it on 2 June 2001. Additionally, amending NAVPERS 1000/4 will change Petitioner's PEBD and will affect her anniversary year. This action may create a debt; therefore, the

member. The date used to determine the anniversary year is established by the date the member entered into active service or into active status in an RC, whichever is earlier. With two exceptions, members with previously established anniversary dates will retain that date as the beginning of their anniversary year: In the case of officers with Reserve service as a cadet or midshipman at a Service academy, or in the Reserve Officers Training Corps Program, the start date of a member's initial anniversary year will be established as the date the member entered into active service or active status, minus any service as a cadet or midshipman.

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Board recommended that Petitioner submit DD Form 2789 (Waiver/Remission of Indebtedness Application) and that her request be approved.

RECOMMENDATION

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

Petitioner signed her NAVPERS 1000/4 in the active U.S. Naval Reserve as an Ensign with a Permanent grade date/Present grade date of 25 May 2001 and a designator code of 1395 on "2 June 2001" vice "25 May 2001."

Petitioner's DD Form 214 executed on 31 July 2010 listed block 12a (Date entered active duty this period) "2 June 2001" vice "25 May 2001." Note: That any other entries affected by the Board's recommendation be corrected.

Petitioner's Pay Entry Base Date (PEBD) is "2 June 2001" vice "25 May 2001." Note: Correction could result in overpayment and indebtedness to U. S. Government. Petitioner may request a waiver by completing DD Form 2789.

Petitioner's Career Retirement Credit Record (CRCR) anniversary year is "2 June 2001" vice "25 May 2001." Note: That any loss of qualifying years of service be corrected by moving points from qualifying years.

Note: That any other documents affected by the Board's recommendation be corrected. Furthermore, Defense Finance and Accounting Service will complete an audit of Petitioner's financial records.

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.

5/14/2023

