



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

[REDACTED]
Docket No. 8561-22
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, 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 show Petitioner was reimbursed pay between the periods of December 2020 and August 2021 of the difference between E-4 and E-5 pay.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 December 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 29 August 2019 Petitioner enlisted for 8 years in the United States Navy as an E-3 with an expiration of obligated service of 28 August 2027 under Navy Officer Candidate Civil Engineer Corps (CEC) Officer (5100) Program.

c. On 29 August 2019 Petitioner signed Navy Officer Candidate Civil Engineer Corps CEC Officer (5100) Program Service Agreement (NAVCRUIT 1131/113). Petitioner acknowledged the following:

[I]f 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;

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, and

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

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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.

d. On 29 August 2020 Petitioner was issued a NAVPERS 1070/613 listing that he was authorized advancement to paygrade E-4 (OCUI2) effective 29 August 2020 having completed 1-year of service in paygrade E-3 as a CEC collegiate.

e. Petitioner was issued a Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement (LES) for the period of 1 to 30 September 2020 listing him as an E-4 with a change grade date of 12 September 2020.

f. On 18 December 2020 Petitioner was awarded Bachelor of Science in Civil Engineering from [REDACTED] State University.

g. On 20 January 2021 Petitioner was issued a NAVPERS 1070/613 listing that he was authorized advancement to paygrade E-5 (OCUI2) effective 18 December 2020 having graduated with a civil engineering degree while in the CEC collegiate program.

h. Petitioner was issued a DFAS Military LES for the period of 1 to 31 January 2021 listing him as an E-5 with a change grade date of 21 January 2021.

i. Petitioner was discharged with an honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 29 August 2019 to 5 August 2021 in order to accept commission in the same branch of service.

j. On 6 August 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 6 August 2021 with a designator code of 5100 (Staff Corps Officer billet requiring Civil Engineering specialty).

k. On 22 December 2021 Master Military Account listed a basic pay adjustment on 12 September 2020 effective 4 September 2020 and 21 January 2021 effective 18 December 2020.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of reference (b)¹ and enclosure (2), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner's record shows that the appropriate NAVPERS 1070/613 for promotion to E-4 and E-5 were issued, including the correct effective dates of promotion. However, Petitioner's MMPA shows that his effective date of promotion to E-4 is

¹ Reference (b), CEC collegiate 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/NAVTALACQGRU 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 1070/613), transcripts showing graduation, and then notify NAVCRUITCOM. The effective date of advancement will be the date of graduation.

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4 September 2020 vice 29 August 2020. The Board agreed that Petitioner's E-5 date of rank is 18 December 2020 and is reflected correctly in the MMPA and Petitioner was paid as an E-5 from that date until his commissioning on 6 August 2021.

RECOMMENDATION

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

A request for an audit of Petitioner's financial record was submitted to DFAS by cognizant authority in order to verify Petitioner's E-4/E-5 (29 August 2020/18 December 2020) effective dates for basic pay.

Note: DFAS will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

12/19/2022

