



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

[REDACTED]
Docket No. 8775-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoD 7000.14-R FMR Volume 7A, Chapter 1

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 received creditable prior enlisted service and was entitled to the special rate of basic pay for pay grade O1-E, and that his Pay Entry Base Date (PEBD) reflect 25 May 2011.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 31 January 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.

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 2011 Petitioner enlisted in the Army Reserve (USAR) for 8 years with an expiration of obligated service of 24 May 2019, and was released active duty training (Army/USAR) 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 30 August 2011 to 7 February 2012 upon completion of required active service.

b. On 13 July 2015 the Department of the Army notified Petitioner that on 26 June 2016 that he was honorably discharged from the USAR. Furthermore, Petitioner received additional Instructions: "Your enlistment in, or assignment to, the USAR on 25 May 2011 was terminated on the effective date of this order as a result of your immediate reenlistment in the Air National Guard on 27 June 2016. No formal discharge certificate will be issued."

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c. On 27 June 2016 Petitioner reenlisted in the Air National guard for 6 years with an end of current contract of 26 June 2022, and was released active duty ([REDACTED] with an honorable character of service and was issued a DD Form 214 for the period of 21 March 2021 to 17 December 2021 upon completion of required active service.

d. Petitioner was separated with an honorable character of service and was issued a National Guard Report of Separation and Record of Service (NGB Form 22) for the period of 27 June 2016 to 23 January 2022 due to “incompatible status or change of military affiliation - appoint as officer – other reserve/active component.”

e. On 24 January 2022 Navy Recruiting Command notified Petitioner that his commissioning documents were being prepared and will be forwarded to his Navy Recruiter within approximately 10 days. Petitioner’s recruiter will contact Petitioner after receipt of the documents in order to set up a time for the commissioning ceremony.

f. On 1 April 2022 Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the inactive U.S. Navy Reserve as an Ensign with a permanent grade date/present grade date of 24 January 2022 with a designator code of 3165 (A direct commissioned Supply Corps Officer in training for qualification), and on 22 May 2022 Petitioner arrived to [REDACTED] and was gained as Inactive duty for training. Petitioner transferred on 27 November 2022, and arrived to [REDACTED] on 25 May 2022 gained as Inactive duty for training.

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 is not entitled to the special rate of basic pay for pay grade O-1E. In accordance with reference (b), commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E. Petitioner was not credited with 4 years and 1 day of prior active service. Regarding Petitioner’s request to change his PEBD to 25 May 2011, the Board agreed that Petitioner’s PEBD of 1 April 2014 assigned upon commissioning is incorrect. Petitioner’s PEBD prior to commissioning was 25 May 2011, however, Petitioner’s

¹ Reference (b), commissioned officers with over 4 years of prior active service as an enlisted member, warrant officer, or combined service in both grades are entitled to count such service for purposes of computing basic pay for longevity purposes. Such prior service includes all active service, in either the Regular or Reserve Component or both (i.e., ADT in enlisted or warrant officer status, annual Reserve training duty, and full-time National Guard duty). Service on active duty or ADT and IDT for at least 4 years and 1 day satisfy the over 4 years of service requirement under this section. Commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E. Service which is creditable. 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.

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record shows he was discharged on 23 January 2022 and he was commissioned on 1 April 2022. There is no evidence in his record, nor did he provide any, to show that he was affiliated or on contract during that time. The Board determined that Petitioner's PEBD should be adjusted to include his total prior active service.

RECOMMENDATION

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

Petitioner's PEBD is 2 August 2011 vice 1 April 2014.

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

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

2/6/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]