



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

█
Docket No. 8879-22
Ref: Signature Date

█
█
█

Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 16 February 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

On 26 May 1982, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) in the active U.S. Navy as an Ensign with a date of rank 26 May 1982 with a designator code of 1800 (Special Duty Officer - Oceanography).

In accordance with NAVMILPERSCOMINST 1900.1A of 10 February 1983, the DD Form 214 is prepared to cover periods of service on active duty, temporary active duty, some periods of active duty for training, certain periods terminated by a change of status not concurrent with separation from active service, and release from a status that legally determined to be void.

Midshipmen and Cadets. The DD Form 214 will be prepared and issued at the time of release to those midshipmen and cadets, including those serving concurrently as enlisted members, at the Naval Academy, Air Force Academy, Coast Guard Academy, or the Military Academy, released in accordance with articles 3640410 and 3640415 of reference (a).

Ineligible Personnel. The DD Form 214 may not be prepared or issued in the case of personnel: Who are midshipmen, USN (Naval Academy), accepting a commission in the Navy or Naval Reserve.

You were discharged under honorable conditions and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 26 May 1982 to 18 July 1983 due to Other.

On 23 March 2022, United States Naval Academy notified To Whom It May Concern that this letter certifies that you attended the United States Naval Academy as a full-time midshipman (student) from

July 6, 1978 to May 25, 1982. On May 26, 1982, you graduated with a Bachelor of Science degree in Oceanography and were appointed an Ensign in the United States Navy. During this period, you were considered active duty per 10 U.S.C. § 101(d) and received pay and allowances as were authorized for an active duty midshipman under 37 U.S.C. § 203(c).

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, Service as a cadet or midshipman at a military academy is always creditable service for an enlisted member who is not commissioned. For a prior service member, he/she reverts back to his/her enlisted status to complete their enlistment contract. See Table 1-1 to determine whether such service is creditable for commissioned and warrant officers.

Table 1-1. Service as Cadet or Midshipman – Officers. When a member currently serving as an officer has had service as a cadet or midshipman in any of the military academies to which appointed and member held no concurrent enlisted and/or Reserve status then the period involved is not creditable.

You requested a Correction to DD Form 214 Certificate of Release or Discharge from Active Duty (DD Form 215) that would add the four years you completed at the U.S. Naval Academy to your current DD Form 214; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that in accordance with DoD 7000.14-R, when a member currently serving as an officer, has had service as a cadet or midshipman in any of the military academies to which appointed, and the member held no concurrent enlisted and/or Reserve status, then the period involved is not creditable service. Furthermore, per NAVMILPERSCOMINST 1900.1A, the DD Form 214 may not be prepared or issued in the case of personnel who are midshipman, USN (Naval Academy), accepting a permanent commission in the Navy or Naval Reserve. Upon graduation from the USNA, you were appointed an Ensign effective 26 May 1982 and discharged on 18 July 1983. Therefore, the Board determined that issuing a DD Form 215 adding your time served at the USNA to your DD Form 214 is inappropriate.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

2/23/2023

█
█

Deputy Director

Signed by: █