



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

█  
Docket No. 8961-22  
Ref: Signature Date

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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 2 May 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. In addition, the Board also considered the advisory opinion by Assistant Commander, Navy Personnel Command for Career Progression (PERS-8), 9 February 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, service as a member of the Army, Navy, or Air Force Reserve Officers' Training Corps (ROTC), provided the member has concurrent Selected Reserve (drilling status) for duty performed on or after August 1, 1979 is creditable.

Some medical and dental officers are entitled to extra credit for longevity purposes to reflect the time spent in medical or dental school. Medical and dental officers must meet one or more of the following criteria to be entitled to the constructive credit: On or before September 14, 1981, if the individual was enrolled in either the Armed Forces Health Professions Scholarship Program or in the Doctor of Medicine (DOM) program at the Uniformed Services University of Health Sciences (USUHS), completed that program, and was appointed as a medical or dental officer.

In computing active service, do not count: Except for periods of active duty service performed while a USUHS DOM student, time served as a DOM student at USUHS.

On 18 May 1998, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the inactive U.S. Naval Reserve as an Ensign with a Permanent grade date/Present grade date of 22 May 1998 and a designator code of 1975 (An Unrestricted Line Officer under instruction in the Armed Forces Health Professions Scholarship Program (Medical/Osteopathic)).

On 18 May 2002, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as a Lieutenant with a Permanent grade date/Present grade date of 18 May 2002 and a designator code of 2100 (A Medical Corps Officer).

In accordance with Office of the Assistant Secretary of Defense (Credit for Time Served at the USUHS in Computing Military Retired and Retainer Pay) of 1 July 2002, this memorandum provides uniform guidance for computing military retired and retainer pay when a member was a medical student at the USUHS. Section 2114(b) of title 10, United States Code [10 U.S.C. 2114(b)] provides that USUHS medical students "shall serve on active duty in pay grade 0-1." Thus, such service must be credited under any provision of law based on active service unless such service is explicitly excluded. In this regard, 10 U.S.C. 2114(b) provides that the exclusions of 10 U.S.C. 2126 applicable to students in the Health Professions Scholarship Program are also applicable to USUHS medical students. These exclusions relate to (1) determination of the applicable rate of basic pay under 37 USC 205 (Longevity), and (2) determination of eligibility for retirement. There is no exclusion, in this or any other section of law, with respect to the computation of retired pay.

Consequently, years of service at USUHS as a medical student are creditable in computing retired pay. For example, an O-6 with 20 years and 6 months service under 37 U.S.C. 205 (which excludes time at USUHS) is receiving basic pay for an O-6 over 20, currently \$6,948.30. If this individual served 4 years and 6 months' time at USUHS, then upon retirement, the member is to receive retired pay computed at 62.5% of that pay, or \$4,342. The 62.5% is computed as 2.5% time 25 (20.5 + 4.5) years of service as this computation will include the USUHS time.

You requested to correct your Pay Entry Base Date (PEBD). The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that in accordance with DoD 7000.14-R FMR Volume 7A service as a member of the ROTC, is creditable provided the member has concurrent Selected Reserve (drilling status) for duty performed on or after August 1, 1979. You were not in the Selected Reserve. Furthermore, time served as a DOM student at USUHS is also not creditable. However, in accordance with Office of the Assistant Secretary of Defense (Credit for Time Served at the USUHS in Computing Military Retired and Retainer Pay), years of service at USUHS as a medical student are creditable in computing retired pay. The Board determined that your PEBD is correct and found no error or injustice to warrant a change to your record. In this

connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

5/8/2023

