



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

[REDACTED]  
Docket No. 1459-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) BUPERSINST 1900.8  
(c) OPNAVINST 1811.3A  
(d) Title 10 U.S.C. § 6151  
(e) Title 10 U.S.C. § 6334

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 reflect Engineman Senior Chief (ENCS)/E-8 on his Certificate of Release or Discharge from Active Duty (DD Form 214) ending on 31 January 2002. The Petitioner contends the correction should be made to ensure the correct retirement benefits and allowances are paid and are correct.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 March 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) through (e).<sup>1</sup>

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 9 April 2001, Special Boat Unit [REDACTED] authorized Petitioner to assume the title and wear the uniform of a Senior Chief Petty Officer. This authority did not entitle Petitioner to pay and other monetary allowances until actually advanced to ENCS/E-8.

b. Petitioner advanced to ENCS/E-8 effective 16 September 2001.

---

<sup>1</sup> Reference (b), the abbreviation for rank, temporary commissioned grade or rate in which separated in block 4a. and enter the paygrade in which separated (do not use Frocked paygrade) for block 4b. Reference (c) specified that enlisted members in paygrade E7, E8, and E9 shall be required a minimum of 2 years active duty in grade. In individual cases, Commander, Navy Personnel Command, may authorize time-in-grade waivers for not less than 6 months for situations involving substantial hardship, unusual circumstances, or when the best interest of the service. However, per references (d) and (e), members that previously served satisfactorily under a higher enlisted grade upon retirement from the Fleet Reserve, will be advanced on the Retired List to the higher enlisted grade satisfactorily held as determined by the Secretary of the Navy.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
[REDACTED]

c. On 31 January 2002, Petitioner transferred to Fleet Reserve and issued DD Form 214 reflecting rate/rank and pay grade as ENC/E-7 with date of paygrade as 16 December 1999.

d. In May 2012, Petitioner is issued Retirement Order and Authorization for Transfer from the Fleet Reserve to the Retired List effective 1 October 2011 with paygrade reflecting ENCS/E-8.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner's DD Form 214 ending on 31 January 2002 contained administrative errors with his rate/rank and pay grade. However, the Board noted Petitioner is required to contact Defense Finance and Accounting Service (DFAS) to ensure his retirement benefits and allowances are being paid correctly. Therefore, the Board felt, under these circumstances, partial relief is warranted.

#### RECOMMENDATION

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

Petitioner's DD Form 214 dated ending on 31 January 2002 is amended Block 4a "ENCS" vice "ENC", Block 4b "E8" vice "E7", and Block 12h "01 Sep 16" vice "99 Dec 16."

The part of Petitioner's request for corrective action that exceeds the foregoing is denied. Retirement pay and allowances are calculated by DFAS.

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.

3/23/2023

[REDACTED]

Deputy Director

[REDACTED]