



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

██████████  
Docket No. 6325-23  
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 3 October 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 considered the advisory opinion by Navy Personnel Command PERS-836 of 9 August 2023, and your response to the opinion.

On 21 September 1994, you enlisted in the U.S. Naval Reserve for 8 years with an expiration of obligated service (EOS) of 20 September 2002.

On 28 February 1995, NAVCRUITDIST ██████████ issued you an Administrative Remarks (NAVMC 118(11)) with the following: "28FEB95: Administratively Separated this date with an uncharacterized Entry Level Separation. Auth: CRUITMAN-ENL Chapter Four and MILPERSMAN Article 3630810. A total of 159 days have passed since the beginning of the DEP period. Reason: Failure to graduate from high school not recommended for reenlistment. Reenlistment may not be effected without the prior approval of the commanding officer, navy recruiting district.

On 28 June 1995, you enlisted in the U.S. Naval Reserve for 8 years with an EOS of 27 June 2003.

You were discharged with an Honorable character of service and were issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 16 October 1995 to 31

August 2004 upon completion of required active service. On 28 September 2004, you reenlisted in the inactive U.S. Naval Reserve for 2 years with an end of current contract (ECC) of 27 September 2006. On 4 March 2006, you signed an agreement to extend enlistment for 24 months with an ECC of 27 September 2008 to continue career. On 11 February 2008, you signed an agreement to extend enlistment for 9 months with an ECC of 27 June 2009 to continue career in order to ensure sufficient obligated service in accordance with BUPERS DTG R 291445Z January 2008.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, 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.

Creditable Service Periods. Include active or inactive service in any of the following components without restriction: Army, Naval, Marine Corps, Air Force, and Coast Guard Reserve.

In accordance with DoD 7000.14-R FMR Volume 7B, Chapter 1, there are three methods for computing a retired pay multiplier, depending on the applicable retirement system. The years of service for computing retired pay for Regular retirement are generally the total of years of active service.

Chapter 2, service not creditable for Transfer to the Fleet Reserve or Fleet Marine Corps Reserve. The following service is not creditable for transfer eligibility and percentage multiple purposes: Inactive service as a member of a Reserve Component.

You were transferred to the Fleet Reserve with an Honorable character of service and were issued a DD Form 214 for the period of 31 May 2006 to 31 July 2021.

On 4 April 2023, MyNavy Career Center notified you that you may have received an earlier version of this letter; if so, please disregard as this letter is the most recent and correct advisement. A recent review of your official military personnel record revealed an error involving the creditable service being used to compute your military retired pay. You may have been notified via email from MyPay of notice of pay changes.

As a general matter, members who retire from active duty after completion of twenty years of active service become entitled to military retired pay based on several factors including the amount of creditable service as stipulated in 10 U.S.C. § 1405. Their review shows the creditable service used to compute your military retired pay erroneously included credit for reserve inactive service time. Due to this error, you received larger monthly retirement payments than you were entitled to receive. The net effect of this error is you were overpaid retired pay.

They have computed the correct amount of your creditable service to be 24 years 04 months and 12 days from 25 years 08 months and 18 days and reported the correction to the Defense Finance and Accounting Service (DFAS).

DFAS HUNT system shows your Service Entry Date is 21 September 1994, your retirement date is 31 July 2021, and Pay Entry Base Date is 13 November 1995. Your Service Base Pay is 25 years, 8 months, and 18 days, Service Percent Multiplier is 24 years, 4 months, and 12 days, and Total active service is 24 years and 29 days.

You requested to correct your retirement pay percentage multiplier. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that the advisory opinion is wrong because “It stated that I only spent 3 months in the reserves, which is not accurate...” The Board concluded that you completed 1-year, 7 months, and 19 days of inactive service. In accordance with DoD 7000.14-R FMR Volume 7B, Chapter 1, the years of service for computing retired pay for Regular retirement are generally the total of years of *active service* (emphasis added). Chapter 2 states that Inactive service as a member of a Reserve Component is not creditable for transfer eligibility and percentage multiple purposes. Because you received a regular retirement based on your *active* service, your Total Inactive Service (time you spent in the Naval Reserve) of 1-year, 7 months, and 19 days was credited to you as 3 months and 13 days that was added to your Total Active Service of 24 years and 29 days in order to determine Total Retirement Creditable. Your retired pay is based on a Service Percent Multiplier of 24 years, 4 months, and 12 days of active service. The Board determined that the correction of your retirement pay was appropriate and no change to your record is warranted. 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,

10/6/2023

