



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

█  
Docket No. 6346-23  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 13 December 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 Assistant Commander, Navy Personnel Command for Career Progression (PERS-8) letter 5420 PERS-8 of 21 September 2023, which was previously provided to you for comment.

In accordance with DoD 7000.14-R FMR Volume 7B Chapter 1, the Date of Initial Entry to Military Service (DIEMS) determines whether the retired pay base is the monthly basic pay of the member just before retirement or an average of the highest 36 months of basic pay applicable during the member's career. For members who first entered military service before 8 September 1980, the retired pay base is generally the final basic monthly pay that the member received upon the date of retirement. For members who entered the military service on or after 8 September 1980, the retired pay base is generally the average of the highest three years (36 months) of monthly basic pay to which the member received for any 36 months of active service whether those months are consecutive or not.

The years of service for computing retired pay for Regular retirement are generally the total of years of active service. For non-Regular (Reserve/Guard) members, the years of service are the total of accumulated drill points combined with one point each day of active duty divided by 360.

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.

For enlistments in a Reserve Component under Title 10, U.S.C., section 12103(b) or (d), including enlistments under a delayed entry/enlistment program (DEP), that were entered into between January 1, 1985, and November 28, 1989, the period served in the Reserve Component before beginning active duty or an initial period of active duty training (ADT) is not creditable. For enlistments entered into on or after November 29, 1989: A period of enlisted service in a Reserve Component under 10 U.S.C. § 12103(b) or including inactive service under a DEP, is creditable service only if the member performs Inactive Duty Training (IDT) before beginning active duty or an initial period of ADT.

On 27 August 1990, you enlisted in the U.S. Naval Reserve for 8 years with an Expiration of Obligated Service of 26 August 1998.

You were released from active duty and transferred to the Naval Reserve with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 16 July 1991 to 16 August 1995 upon completion of required active service.

On 27 June 1996, you were discharged from the Naval Reserve with an Honorable character of service. You were issued an Army National Guard Retirement Points History Statement for the period of 28 June 1996 to 27 August 1998. On 28 August 1998, you reenlisted in the U.S. Naval Reserve for 2 years with end of current contract of 27 August 2000.

On 26 April 2000, you signed a Naval Flight Officer Candidate Program (1375) Service Agreement.

You were discharged with an Honorable character of service and were issued a DD Form 214 for the period of 5 May 2000 to 3 August 2000 upon accepting a commission in same branch of service.

On 4 August 2000, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Naval Reserve as an Ensign with a day of rank of 4 August 2000 with a designator code of 1375 (An Unrestricted Line Officer who is in training for duty involving flying as a Naval Flight Officer).

On 12 February 2009, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Naval Reserve as a Lieutenant with a day of rank of 1 September 2004 with a designator code of 1327 (An Unrestricted Line Officer who is qualified for duty involving flying heavier-than-air or heavier and lighter-than-air type aircraft as a Naval Flight Officer).

You were retired with an Honorable character of service and were issued a DD Form 214 for the period of 4 August 2000 to 31 July 2022 upon having sufficient service for retirement.

On 31 March 2023, MyNavy Career Center notified you that, “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. This letter contains preliminary information about the error, the steps that will take place to correct the error, and general information about a corresponding future debt that will be established soon. This letter is not a debt letter. It is being provided to you now to afford you as much advance notice of the error as possible.

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. Our 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.

We have computed the correct amount of your creditable service to be 31 years 00 months and 06 days from 26 years 08 months and 29 days and reported the correction to the Defense Finance and Accounting Service (DFAS). DFAS is adjusting your retired pay to ensure your pay is correct in future pay periods. You will be able to see the adjustment on your Retiree Account Statement (RAS) for the April 2023 entitlement month (which will be paid on 1 May 2023). Your eRAS will be available through MyPay on 21 April 2023. After the adjustment is processed, the correct amount of creditable service will be used for all future payments.”

You requested to have your creditable service calculated from your DIEMS date of 27 August 1990 to reflect a total of 31 years, 11 months, and 5 days, and to have your Pay Entry Base Date (PEBD) reflect 16 July 1991. 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 FMR Volume 7B Chapter 1, the DIEMS date is the date you signed your first contract and is used to determine retirement base pay. Your DIEMS is correctly reflected in your record as 27 August 1990, which means your retired base pay is an average of the highest 36 months of basic pay applicable during your career. The DIEMS date is not used to calculate creditable service. Your PEBD was originally established as 16 July 1991, which is the date you entered active service and began receiving pay. The period of 26 April 2000 to 4 May 2000 is listed on your statement of service as Delayed Entry, therefore you were not credited that time for pay purposes. Your PEBD was shifted a corresponding number of days to 25 July 1991 to account for the Delayed Entry time. Finally, 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. Your retired pay computation is based on the Active Duty Start Date, which is calculated as 5 April 1996. This date accounts for all of your 26 years, 3 months, and 26 days of active duty service time. Additionally, you received credit for your reserve and National Guard service. The result is that your total retirement creditable service for both active and reserve service is 26 years, 8 months, and 29 days. The Board 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,

12/17/2023

