



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

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Docket No. 6791-23
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.

A three-member panel of the Board, sitting in executive session, considered your application on 27 February 2024. 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 contained in Navy Personnel Command memorandum 5420 PERS-836/002 of 17 January 2024, which was previously provided to you for comment.

You requested your retirement pay reflect the date of change on your Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) for payments at the paygrade of E-8. 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 you did not meet the criteria for E-8 retirement pay in accordance with Department of Defense Financial Management Regulation (DODFMR) 7000.14-R and Chief of Naval Personnel Instruction (OPNAVINST) 1811.3A. DODFMR specifies that members who entered the military service on or after 8 September 1980, the retired pay is generally based on the average of the highest 3 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. OPNAVINST 1811.3A indicates the time-in-grade requirement for enlisted members serving in paygrade E-7, E-8, or E-9 is a minimum of 2 years active duty in grade. In individual cases involving substantial hardship, unusual circumstances, or when the best interest of the Service is concerned, Navy Personnel Command may authorize waivers of the time-in-grade, for not less than 6 months.

A review of your record indicates you entered active duty on 6 June 1994. You were selected for advancement to E-8 from the Fiscal Year 2017 Active Duty Navy E-8 Selection Board with an effective date of 16 February 2017. However, on 12 August 2016, Navy Personnel Command released your authorization to transfer to the Temporary Disability Retired List (TDRL) effective 29 October 2016. The message directed “members who have been selected, but not advanced, shall be advanced effective the date of transfer to TDRL.” You transferred to TDRL in paygrade E-7 effective 29 October 2016 and thereafter, transferred to the Permanent Disability Retired List effective 7 November 2019. On 3 March 2020, you were issued a DD Form 215 correcting your advancement to E-8 effective 29 October 2016. Because your advancement to E-8 was effective the date assigned to the TDRL, you never received basic pay for E-8, therefore did not meet the time-in-grade requirements for E-8 retired pay. In this connection, the Board substantially concurred with the comments contained in the advisory opinion and determined that a change to your record is not warranted.

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,

3/4/2024

