

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 January 2025

DOCKET NUMBER: AR20240006698

APPLICANT REQUESTS:

- correction of his records to show he was placed on the retired list in the rank/grade of captain (CPT/E)/O-3E (prior enlisted service) vice CPT/O-3
- a video/telephonic appearance before the Board

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Three DD Forms 214 (Certificate of Release or Discharge from Active Duty)
- U.S. Army Installation Management Command Orders 333-0151
- Defense Finance and Accounting Service (DFAS) Military Leave and Earnings Statement
- Applicant Service Summary
- Fiscal Year 2020, Monthly Basic Pay Table

FACTS:

1. The applicant states his retirement pay is wrong. DFAS shows him as a CPT/O-3 vice CPT/E/O-3E for his retired pay. This error costs him \$1,283 per year. His high 36 months should be 24 months as a major (MAJ)/O-4 and 12 months as a CPT/E/O-3/E. DFAS told him to apply to this Board.

2. The applicant provides his:

- DFAS Military Leave and Earnings Statement, for the period 1 to 28 February 2020, which shows his grade as O3E
- service summary, which captures his service dates, years of service, percentages, and pay, as calculated by the applicant
- Fiscal Year 2020 Monthly Basic Pay Table, which outlines the basic pay by pay grade

3. A review of the applicant's service record shows:

a. He served in the U.S. Navy as an enlisted member from 16 July 1997 to 14 July 2010, a period of 12 years, 11 months, and 29 days.

b. He served in the Regular Army as an enlisted member in the rank/grade of staff sergeant (SSG)/E-6 from 15 July 2010 to 13 October 2010, a period of 2 months and 29 days.

c. He served in the Regular Army as a commissioned officer from 14 October 2010 to 31 August 2023. His DD Form 214 shows he was honorably retired and completed 12 years, 10 months, and 17 days of active service with 13 years, 2 months, and 28 days of prior active service. It also reflects the grade of MAJ, pay grade of O-4, with an effective date of pay grade as 1 September 2021.

4. A request for information was received from DFAS in the processing of this case. The DFAS Branch Chief, in review of the documentation received from the applicant, the period of dispute is the calculation of high average for the period 1 September 2020 to 31 August 2021 at the rank of O-3. DFAS indicated revised orders would be needed if the correction should be O3E.

5. Commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of combined prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. The Board concluded the applicant had over 10 years of prior enlisted service and the regulatory guidance requires 4 years; therefore, he met the minimum requirement to be considered as a CPT/O-3E (prior enlisted service).

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- showing he was placed on the retired list in the rank and pay grade of CPT/O-3E; and
- paying him all retired pay due in the special rate of basic pay for pay grade O-3E as a result of this correction

5/12/2025

X

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10 United States Code (USC), section 12731 (Age and service requirements), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person:

- has attained the eligibility age applicable under subsection (f) to that person
- has performed at least 20-years of service
- in the case of a person who completed the service requirements before 25 April 2005, performed the last 6-years of qualifying service while a member of any category but not while a member of a regular component, except that in the case of a person who completed the service requirements before 5 October 1994, the number of years of such qualifying service under this paragraph shall be 8
- is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve

2. Department of Defense Financial Management Regulation states effective 1 October 1993, commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of combined prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.

3. AR 15-185 (Army Board for Correction of Military records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//