



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

█
Docket No. 5930-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G
(c) MILPERSMAN 1510-030

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by Navy Pay and Personnel Support Center, 12 Feb 24
(3) 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 advancement to E-2 effective 24 February 2022, E-3 on 16 December 2022, and E-4 on 16 June 2023 with associated back-pay and allowances.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 12 March 2024 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.

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 2 January 2021, Petitioner enlisted in the Naval Reserve for 8 years of which 4 years was an active duty obligation. Petitioner and Recruiting Official signed NAVCRUIT 1133/102, Enlistment Bonus Statement of Understanding for \$15,000 Enlistment Bonus for Source Rate (EBSR) under the Submarine Electronics/Computer Field program for 5 years. However, the certification upon accession onto active duty reflects a rating of Special Operations (SO)/Advance Technical Field (ATF) with \$0 EBSR and was not signed by Petitioner or witnessed.

b. On 24 August 2021, Petitioner reclassified and issued NAVCRUIT 1133/52, Enlistment Guarantees – Annex "C" listing Advanced Technical Field Special Warfare Operator (ATF/SO 6YO) Challenge Program with a voluntary 24-month extension.

c. On 8 December 2021, Petitioner entered active duty and signed a 12-month extension, however Navy Standard Integrated Personnel System reflects soft end of active obligated service as 7 December 2027.

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d. On 7 January 2022, Petitioner issued BUPERS Order: 0072 (Official Change Duty Orders) to intermediate activity at [REDACTED] Training with a report date of no later than 6 March 2022.

e. On 4 February 2022, Petitioner completed Recruit Basic Military Training. Petitioner detached Recruit Training Command and reported to [REDACTED] on 7 February 2022 for temporary duty.

f. On 24 May 2022, Petitioner issued BUPERS Order: 0072 (Official Modification Order to Change Duty Orders) to intermediate activity at [REDACTED] Training with a report date of no later than 6 February 2022 and additional intermediate activity at [REDACTED] Training.

g. On 10 June 2022, Petitioner detached [REDACTED] and reported to [REDACTED] on 11 June 2022.

h. On 16 September 2022, Petitioner advanced to Intelligence Specialist Seaman Apprentice (ISSA)/E-2.

i. On 4 October 2022, Petitioner completed Intelligence Specialist "A" School.

j. On 22 November 2022, Petitioner issued BUPERS Order: 0072 (Official Modification Order to Change Duty Orders) to Electronic [REDACTED] via three additional intermediate activity stops at [REDACTED].

k. On 5 December 2022, Petitioner detached [REDACTED] and report to [REDACTED] on 15 December 2022 for duty.

l. On 19 May 2023, Petitioner completed Professional Military Knowledge Eligibility Exam (PMK-EE) for E-4 and advanced to Intelligence Specialist Third Class/E-4.

m. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that they processed a correction to members rank date for E-2 as well as realigned the rank date for E-3 and E-4.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner met the criteria for advancement to E-2 at the time he graduated from recruit training in accordance with reference (c).¹ As a result of not being advanced to E-2 in a timely manner, Petitioner's advancement to E-3 was affected as well. The Board determined Petitioner's record should be corrected to reflect advancement to E-2 effective 4 February 2022, and

¹ Reference (c) specifies that entrance into the ATF provides initial "A" school training and accelerated advancement to pay grade E-2 for personnel enrolled in ATF upon graduation of recruit training. The Intelligence Specialist and SO ratings are included in the ATF program and requires 6 years active service obligation. Additionally, personnel are authorized guaranteed advancement to E-4 after successful completing "A" school or advanced training required to attain rating designation and after serving 6 months time-in-rate for an E-3 in addition to completing all advancement in rate requirements, receiving performance appraisal review and have the Commanding Officer's recommendation.

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E-3 on 16 November 2022 per references (b)² and (c). However, Petitioner's date of advancement to E-4 correctly reflects 19 May 2023 as that is when he completed PMK-EE for E-4. Therefore, the Board determined that under this circumstance, partial relief is warranted.

RECOMMENDATION

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

Petitioner advanced to ISSA/E-2 effective "4 February 2022" vice "16 September 2022."

Petitioner advanced to Intelligence Specialist Seaman/E-3 effective 16 November 2022.

Note: The Board for Correction of Naval Records (BCNR) will not take any action with the Defense Finance and Accounting Service (DFAS) for payment. Petitioner's payment will not be funded by the BCNR's Claims Line of Accounting (LOA). The Navy/Navy Pay and Personnel Support Center (NPPSC) will secure funding and will use the Navy's LOA to pay Petitioner any pay entitlements due.

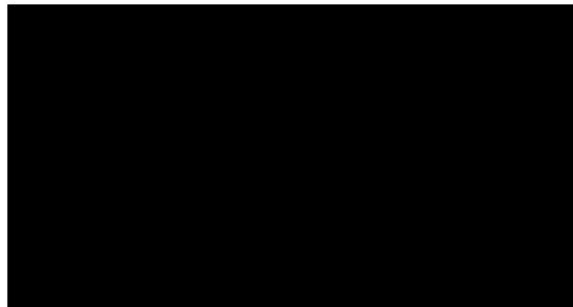
Note: NPPSC submitted a DWOWS ticket (# 3919432) to process to correct the members rank date for E-2 as well as realign the rank date for E-3 and E-4. On 12 February 2024, DFAS complete their action and posted the back pay to the Petitioner's account. The Petitioner will receive \$3,831.09 in back pay. The point of contact in this matter is [REDACTED]. They can be reached at [REDACTED].

The part of Petitioner's request for corrective action that exceeds the foregoing is denied in accordance with references (b) and (c).

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.



² Reference (b), time-in-rate for paygrades E-1 to E-2 and E-2 to E-3 is 9 months. Advancements for paygrades E-2/E-3 are automatically posted on the 16th day of a month by Navy Personnel Command (PERS-35) once the required time-in-rate has been reached.