



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. 8382-23
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 16 April 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 Commanding Officer, Navy Pay and Personnel Support Center memorandum 7220 N1 of 29 February 2024, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In accordance with DoD 7000.14-R Financial Management Regulation Volume 7A, Chapter 1, Service as a cadet or midshipman at a military academy is always creditable service for an enlisted member who is not commissioned. For a prior service member, he/she reverts back to his/her enlisted status to complete their enlistment contract. See Table 1-1 to determine whether such service is creditable for commissioned and warrant officers.

Table 1-1. Service as Cadet or Midshipmen-Officers. Rule 4. When a member currently serving as an officer has had service as a cadet or Midshipman in any of the military academies to which appointed on or after 1 January 1953 and member concurrently retained a commission in the Naval Reserve, then the period is creditable.

On 19 March 1991, you enlisted in the U.S. Naval Reserve for 8 years in pay grade E-1.

On 25 April 1991, Commander, Military Personnel Command (NMPC 822a) notified Chief of Naval Education & Training (Naval Reserve Officers Training Corps (NROTC) Admin)) via Disenrollment Report (CNET 1533/32). Report date was August 1989; Subject student is recommended for disenrollment/has been disenrolled from the NROTC Program the following reason (s): Inaptitude/Unsuitable effective 25 April 1991.

On 31 May 1991, Chief of Naval Personnel notified Secretary of the Navy that, “[a]s provided for by NROTC regulations, CNETISNT 1533.12C, the Chief of Naval Personnel recommends approval of the disenrollment contained in NROTC Student Disenrollment Report of 25 April 1991. ██████████ is being disenrolled from the Unit, ██████████, inaptitude reasons.”

“Recommend ██████████ appointment as a midshipman, United States Naval Reserve, be terminated. If approved, termination of appointment will be effective immediately. Permission is requested to return ██████████ to two years active enlisted service because he has entered advanced standing in the NROTC scholarship program. Such enlisted service is provided for by 10 U.S.C. 2107 and authorized by DoD Directive 1215.8. The period of service will commence upon graduation or sooner if disenrolled from Morehouse College, but not later than May 1993. Permission is also requested to allow ██████████ to reimburse the government \$2,975.00 in lieu of active service for the cost of his education if he so requests.”

You were released from active duty 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 23 April 1991 to 1 April 1993 within 3 months of term of obligated service.

On 29 June 1998, you reenlisted in the U.S. Naval Reserve for 6 years in pay grade E-5.

On 28 June 2004, you were honorably discharged.

On 26 March 2017, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the inactive U.S. Naval Reserve as a Lieutenant with a day of rank of 15 December 2016 with a designator code of 4105 (A Chaplain Corps Officer).

On 27 February 2018, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as a Lieutenant with a day of rank 15 December 2016 with a designator code of 4100 (Staff Corps Officer billet requiring Chaplain specialty).

On 26 December 2018, Data Analyst, Aries Systems International, Inc., Naval Personnel Command, BUPERS-072 notified you via email that, “[a]ttached please find the Financial Management Regulation we use in cases like yours. Scroll to page 1-4 and you will see the beginning of Paragraph 0102 CREDITABLE SERVICE. Other Creditable Service: 4. Service as

a cadet or midshipman at a military academy is always creditable service for an enlisted member who is not commissioned and reverts back to his/her enlisted status to complete their enlistment contract. See Table 1-1 to determine whether such service is creditable for commissioned and warrant officers. This statement would not be in the FMR if the service was credible for Officers. It isn't. But it is critical to know it is credible for those who revert to enlisted status. On 23 April 1991 your Pay date should have been 890923 "If" the ROTC time was exactly 1Y 7M. We know it is not, and getting the entry date in August 1989 will help with the math on that.”

You requested to receive service credit for your time as a midshipman while in the NROTC program, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that DoD FMR states that service as a cadet or midshipman at a military academy is always creditable service for an enlisted member who is not commissioned and reverts back to his/her enlisted status to complete their enlistment contract. However, the Board concluded that the DoD FMR paragraph above is in reference to midshipmen at military academies, not members in an NROTC program. Furthermore, there is no evidence in your record that you were a prior service member bound by an enlistment contract that you could revert to once you were dropped from the NROTC Program. On 19 March 1991, you enlisted in the U.S. Naval Reserve for 8 years to satisfy the two-year active duty obligation you had incurred as a result of the education you had received. The board determined that a change to your record is not 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,

4/22/2024

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