



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

█
Docket No. 9803-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN,
█

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1330.2C, 12 Mar 18

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NPC memo, undated
(3) Advisory opinion by NPC memo 5420 PERS 806, 19 Jan 24
(4) 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 show Petitioner's active-duty oath date is 11 May 2022 vice 29 August 2022 or 30 August 2022.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 28 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. On 1 July 2019, Petitioner transferred from S █, and arrived to █ on 2 July 2019 for the Individual Ready Reserve (IRR).

b. On 21 May 2021, Petitioner notified Commander, Navy Personnel Command (NPC) (PERS-9) via Career Intermission Program (CIP) Manager, NPC that, "[m]y participation in the CIP will end 10 MAY 2022 (approximately two months in advance of the original 01 JULY 2022 end date), at which time I will return to active duty. During my participation in the CIP, I have fulfilled all requirements of reference (a) and will be eligible to return for active-duty service. I intend to return to the cryptologic warfare community (1810). I will complete my CIP goal, a PhD degree in Electrical Engineering and Computer Science from the Massachusetts Institute of technology, prior to return to service."

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[REDACTED]

c. On 24 May 2021, CIP Manager notified NPC (PERS-4) Detailer Bureau of Naval Personnel (BUPERS-3) Career Intermission manager that “[d]uring participation in CIP, [Petitioner] fulfilled all requirements of OPNAVINST 1330.2C and will be eligible to return for active-duty service. Participant will have completed 34 months of CIP on 10 May22. Thus, participant is obligated to serve 68 months on active duty, which will be served consecutively with any existing obligations. Participant’s end of obligated service date is 30 January 2028. Participant intends to return to 1810. Participant has applied and been accepted into the following: N/A. Participant is awaiting results for application into the following: N/A.”

d. On 18 November 2021, Petitioner was issued official recall orders (BUPERS order: 3221) with a starting location of [REDACTED], [REDACTED]. Petitioner’s intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 6 June 2022. Petitioner’s intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 13 June 2022. Petitioner’s intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 July 2022. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of August 2022, with a projected rotation date (PRD) of August 2025.

e. On 10 January 2022, Petitioner was issued official modification to recall orders (BUPERS order: 3221) with a starting location of [REDACTED], [REDACTED]. Petitioner’s intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 16 May 2022. Petitioner’s intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 6 June 2022. Petitioner’s intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 13 June 2022. Petitioner’s intermediate (03) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 July 2022. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of August 2022, with a PRD of August 2025.

f. On 10 May 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 11 May 2022 for temporary duty.

g. On 26 May 2022, Petitioner was issued official modification to recall orders (BUPERS order: 3221) with a starting location of [REDACTED], [REDACTED]. Petitioner’s intermediate (01) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty with an effective date of arrival of 16 May 2022. Petitioner’s intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 6 June 2022. Petitioner’s intermediate (02) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 13 June 2022. Petitioner’s intermediate (03) activity was [REDACTED], [REDACTED], [REDACTED] for temporary duty under instruction with an effective date of arrival of 5 July 2022. Petitioner’s ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty with an effective date of arrival of August 2022, with a PRD of August 2025.

h. On 2 June 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 5 June 2022 for temporary duty.

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i. On 30 June 2022, Petitioner's Master Military Pay Account listed basic pay started effective 11 June 2022.

j. On 2 July 2022, Petitioner transferred from [REDACTED], and arrived to [REDACTED] on 4 July 2022 for temporary duty.

k. On 17 August 2022, Petitioner transferred from S [REDACTED], and arrived to [REDACTED] on 17 August 2022 for duty.

l. On 29 August 2022, Scroll with Petitioner's name was approved.

m. On 30 September 2022, Petitioner signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Navy as a Lieutenant Junior Grade with a day of rank 4 April 2022 with a designator code of 1810 (Special Duty Officer – Cryptologic Warfare Office).

n. On 30 January 2024, CIP Manager (PERS-933) wrote an action memo that "[t]he member returned to active duty on 4 April 2022 and signed their oath on 30 September 2022. PERS-9 has verified the dates with PERS-806 and has provided the member with their CIP documents; No further action required. Contact PERS-806 and PERS-45 for further assistance."

o. In the advisory opinion, attached as enclosures (2) and (3), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that Petitioner submitted his intent to return to active duty in accordance with the requirements set forth in reference (b).¹ Petitioner was issued official recall orders BUPERS order: 3221, with an effective date of arrival of 16 May 2022. Petitioner's orders were endorsed upon check in to NTAG on 11 May 2022. Furthermore, Petitioner's Statement of Service shows that he started the current period of active

¹ Reference (b), Navy CIP provides a one-time temporary transition from active duty to the IRR for members to pursue personal or professional growth outside the Service while providing a mechanism for their seamless return to active duty. The long-term intent of this program is to retain the valuable experience and training Service members possess that might otherwise be lost by permanent separation. Service members must return to active duty at the end of the inactive duty period. This program provides authority to: a. allow active duty and full-time support personnel to transition into the IRR for a period not to exceed 3 years while retaining the healthcare benefits of an active-duty member for themselves and their dependents as directed by reference (c), section 1074, as authorized by reference (a), section 533; b. allow the Navy to adjust the date of rank of an officer who is placed back on active duty after serving in the IRR; c. allow the Navy to adjust the time in rate (TIR) and effective date of paygrade for enlisted personnel who return to active duty after serving in the IRR; and d. exempt participants from promotion or advancement consideration while in the IRR. Participation in the IRR while in the program may not be less than 12 months or exceed 36 months from the date of release from active duty. Applicants must indicate the desired length of inactivation at the time of application. Any requests to alter the return date will be submitted to the CIP manager and routed through COMNAVPERSCOM (PERS-4) and either BUPERS-3 or OPNAV (N133) for adjudication. CIP participants must submit a written notice of intent, enclosure (4), to COMNAVPERSCOM (PERS-9) 12 months before their scheduled return to active duty to initiate return processing. This notification initiates the appointment processing, provides the greatest opportunity for billet assignment, and ensures smooth return to active service. If an enlisted member's current rating was disestablished or merged with another rating prior to returning to active duty, the member will be afforded an opportunity to convert to a new rating, if eligible. (2) Appointment. Upon return to active duty, a Service member's date of rank (officer) or TIR (enlisted) will be adjusted 1 day forward for every day spent in the IRR (e.g., 365 days in the IRR will adjust a date of rank of 1 January 2018 to 1 January 2019).

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service on 11 May 2022 as Naval Reserve. The Board determined that Petitioner was serving on active duty beginning 11 May 2022, however his pay did not start until 11 June 2022. Furthermore, Petitioner was serving on active duty under official recall orders as a reservist. The Board would not agree to backdate the oath of office because although Petitioner did return to active duty on 11 May 2022, it could not determine why Petitioner's Active scroll was not submitted in time for him to complete his Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) upon returning from CIP.

RECOMMENDATION

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

Petitioner arrived to [REDACTED] on 11 May 2022 for active service.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay and allowances.

That no further changes be made to Petitioner's naval record.

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.

4/7/2024

