



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

[REDACTED]
Docket No. 10230-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1120.10A, 5 Oct 17
(c) BUPERSINST 1900.8E, 27 Aug 18
(d) Program Authorization 104, 17 Jul 19

Encl: (1) DD Form 149 w/attachments
(2) NPPSC memo 7220 N1, 26 Sep 24
(3) NPPSC memo 1900 N1, 26 Nov 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 that two Certificate of Release or Discharge from Active Duty (DD Form 214) issued on 10 August 2023 and 14 August 2023, each covering the period of 19 June 2020 to 14 September 2021 were removed and his indebtedness be forgiven.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 January 2025 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. In accordance with reference (b), "Scope and Applicability. This instruction applies to all individuals appointed as Active and Reserve Component officers in the CEC [Civil Engineer Corps] (designator 510X), including officers transferred from another uniformed Service, reserve officers transferred into the Active Component, reserve officers recalled voluntarily to the ADL [Active-Duty List], and officers transferred from the line community or another staff corps into the CEC. Reference (a) [OPNAVINST 1210.5A] contains additional guidance on the transfer of

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Reserve CEC officers into the Active Component of the CEC, the transfer of Active and Reserve Component officers between the line and CEC, and between another staff corps and CEC.”

“Basic Qualifications. To be eligible for appointment as a CEC officer in either the Active or Reserve Components, or for transfer from the Reserve Component to the ADL, the applicant must meet the requirements set forth in subparagraphs 7a through 7e...c. Moral Character. Must be of good moral character and of unquestioned loyalty to the United States as determined by interview and investigation. As stated in SECNAVINST 5300.28E, no person who is drug or alcohol dependent, who abuses drugs or alcohol, whose preservice abuse of drugs or alcohol indicates a proclivity to continue abuse in the service, or who has a record of any drug trafficking offenses will be permitted to enter or be retained in the CEC.”

b. In accordance with reference (c), “[t]o provide instructions for preparing and distributing the DD 214 Certificate of Release or Discharge from Active Duty; DD 214C Certificate of Release or Discharge from Active Duty, Continuation Sheet; DD 214WS Certificate of Release or Discharge from Active-Duty Worksheet; and DD 215 Correction to DD 214, Certificate of Release or Discharge from Active Duty.”

“Reentry Codes. RE-3: Eligible for reenlistment except for disqualifying factor. Add letter to indicate status at time of separation...RE-3K: Disenrolled from Naval Academy or other officer program.”

c. In accordance with reference (d), “Program Authorization: Officer candidate indoctrination and training for appointment on Active-Duty as ensign. U.S. Navy, designators 5100 (Civil Engineer Corps (CEC)) or 51001 (CEC collegiate program). Civil Engineer Corps Officer Community Manager Branch (BUPERS-316E) is the CEC officer community manager (OCM).”

“Collegiate officer candidates who disenroll from the CEC collegiate program, fail to complete all program requirements or no longer remain eligible for a commission as a naval officer (whether due to academic performance, professional behavior, character or physical qualification reasons) will be removed from the program and separated from the Navy by CNRC with concurrence of the CEC OCM.”

d. On 19 June 2020, Petitioner signed a Navy Officer Candidate Civil Engineer Corps (CEC) Officer (5100) Program Service Agreement (NAVCRUIT 1131/113) with the following; “[i]f enlisted for inactive duty I will receive orders home awaiting orders to OCS; or if enlisted for active duty I will be ordered to report to the Commanding Officer [CO] of the Navy Recruiting District in which I intend to attend school and complete the requirements for my degree. During all periods of active duty, I will be subject to the Uniform Code of Military Justice and to all orders, instructions and directives issued by competent authority, including those from the [CO] of the Navy Recruiting District to which I am assigned. I understand that I will be expected to maintain the standards of dress, grooming and decorum required of the officer candidates on active duty. Further, for purposes of applicability of the Uniform Code of Military Justice, class attendance and other activities related to my course of instruction shall be considered as military duty and are military service connected...After completion of my degree requirements, I will

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

receive orders to the next available OCS class, within the next 30-60 days, and will be directed to report to the [REDACTED].”

e. On 23 April 2021, Petitioner was issued a [REDACTED], Summons and Accusation due to Failure to maintain lane.

f. On 23 April 2021, Petitioner was issued a [REDACTED], Summons and Accusation due to DUI/Alcohol/Less safe.

g. On 24 July 2021, Petitioner received a degree of Bachelor of Science in Civil Engineering from [REDACTED].

h. On 16 August 2021, Officer Candidate (OC) Action Report (NAVCRUIT 1133/86) was issued by the OIC for the following reason: “On April 23, 2021, member received a traffic citation for failure to maintain lane and a DUI.” OIC approved the request with the following comments: “Recommend consideration upon reapplication for Direct Accession under PA 104 pending outcome of case.” The CO approved the request on 21 August 2021.

i. On 7 September 2021, Collegiate Management Report (NAVCRUIT 1131/40) was issued and signed by CO with the following additional comments: “[Petitioner] informed me back in June 2021 that he received a traffic ticket. I told him to pay it and send me the documents. On 8/12/2021 [Petitioner] called me and told me that he had gotten a DUI when he received the traffic ticket back in May 2021 which he never disclosed that he had gotten a DUI until 8/12/2021. I had OC to send me all the documents pertaining to the traffic violation and DUI. I routed an Officer Candidate (OC) Action Request and informed my COC of the DUI.” Additionally, scheduled OIS/OCS ship date listed 10 October 2021, and this report was an Adverse Report.

j. On 14 September 2021, Petitioner notified NAVCRUITDIST [REDACTED] with the following comments: “Status update: Graduated July 2021 will send copy of diploma upon reception. Final transcript attached. Awaiting court date for DUI Less Safe ticket (see attached attorney letter). OCS ship date 9/26/2021 and class date of 10/17/2021. Currently training and studying for OCS.

OCS: Have not received official orders for OCS ship date. Is the 9/26/2021 date valid? How do the pending charges affect my status in the Navy concerning candidacy and ship date?

Court Case: Charged 4/23/2021 with DUI Less Safe. Submitted copy of ticket to [REDACTED] on 8/12/2021. The court system is back logged due to COVID-19, and no court date has been set. My attorney has filed for a Statutory Speedy Trial Demand out it is possible that this will not be resolved before my ship date. My attorney has requested the Navy to supply the following documents: CEC Officer (5100) Program Service Agreement signed copy. OCS ship date Orders. Letter of recommendation (see attached). Any other documentation or assistance the Navy can provide would be appreciated. Documentation is needed as soon as possible.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

The main concern is the adverse effect the pending trial will have on my Naval career. Any assistance and guidance concerning this matter would be greatly appreciated. I am eagerly looking forward to serving my country and beginning a career in the Navy particularly in these troubled times.”

k. On 14 September 2021, CO, [REDACTED] notified Civil Engineering Collegiate Program Manager Command (N313) that “[p]er enclosure (1) [REDACTED], Summons and Accusation], it is my recommendation that [Petitioner] be discharged from the Civil Engineering Collegiate (CEC) program due to his Driving Under the Influence incident which is a direct result of an alcoholic related incident. He has failed to uphold the Navy professional standards according to his CEC Service Agreement.”

l. On 27 September 2021, CEC Officer Community Manager notified CEC Deputy Accessions Officer that, “[c]oncur with recommendation for removal of the Collegiate Program.”

m. On 22 March 2023, Petitioner signed an Application Processing and Summary Record (NAVCRUIT 1131/238) with the following applicant’s motivation statement: “I was originally selected to the CEC program in June 2020. I was scheduled to attend Officer Candidate School in October 2021 upon graduating the Civil Engineering program at [REDACTED] in July 2021. I was convicted of reckless driving in October 2021, placed on probation and subsequently was disenrolled from the CEC program. I am re-applying to the CEC program and will address the reason that I was terminated from the program.

On April 23, 2021, I was charged with DUI Less Safe. DUI Less Safe means that the blood alcohol content is under the legal limit, but the arresting officer can recommend the charge of DUI Less Safe based on the officer’s opinion of field sobriety. The [REDACTED] did not have sufficient evidence to charge me for a DUI. I was convicted for Reckless Driving, fined, and sentenced to one-year probation. I represented myself in court and secured an early release from probation to reapply to the U.S. Navy CEC Program.

The above description of events clarifies my unique application timeline. In no way is it intended to mitigate my responsibility to drink responsibly. There is no excuse for driving under the influence. I endangered the public, my family, friends, and myself. The possibility of injuring and/or ending someone’s life due to my sheer selfish irresponsibility is staggering. The actual cost was the loss of a Naval career. I am remorseful for my actions. I have learned to consider the path of my life at a deeper level and weigh my actions prior to going forward on the balance of increasing or diminishing life. This is a life lesson that I will not repeat.”

n. On 15 June 2023, Petitioner signed a Navy Officer Candidate Civil Engineer Corps (CEC) Officer (5100) Program Service Agreement (NAVCRUIT 1131/113) with the following; “[i]f enlisted for inactive duty I will receive orders home awaiting orders to OCS; or if enlisted for active duty I will be ordered to report to the [CO] of the Navy Recruiting District in which I intend to attend school and complete the requirements for my degree. During all periods of active duty, I will be subject to the Uniform Code of Military Justice and to all orders, instructions and directives issued by competent authority, including those from the [CO] of the Navy Recruiting District to which I am assigned. I understand that I will be expected to maintain the standards of

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

dress, grooming and decorum required of the officer candidates on active duty. Further, for purposes of applicability of the Uniform Code of Military Justice, class attendance and other activities related to my course of instruction shall be considered as military duty and are military service connected.”

o. On 15 June 2023, Petitioner enlisted for 8 years in the U.S. Navy under the Navy Officer Candidate Civil Engineer Corps (CEC) Officer (5100) Program Service Agreement NAVCRUIT 1131/113.

p. Petitioner was discharged with an Honorable character of service and was issued a DD Form 214 for the period of 19 June 2020 to 14 September 2021 due to unacceptable conduct (Separation Code: KNC) and reentry code of NA. Official authorized to sign DD Form 214 was dated 10 August 2023.

q. Petitioner was discharged with an Uncharacterized character of service and was issued a DD Form 214 for the period of 19 June 2020 to 14 September 2021 due to failure to complete commissioning or warrant program (Separation Code: JHD) and reentry code of RE-3K. Official authorized to sign DD Form 214 was dated 14 August 2023.

r. On 24 August 2023, Petitioner’s Master Military Pay Account (MMPA) basic pay screen shows adjustment, backdating first day of non-pay entitlement effective 15 September 2021 date after previous separation, which created a debt.

s. Controlled Unclassified Information (Modify a Case) Case ID: 3784135 with a received date of 16 August 2023, due date of 20 September 2023, and completion date of 24 August 2023 listed the following History remarks:

“08/24/2023 15:21...Separated, 3891 out of service debt.”

“08/17/2023 09:18...Good Day; the account will be moved to a V status and will be overpaid, which will list it as 3891 ADSN (DFAS [REDACTED]). DFAS IN will handle the overpayment/due process and collection. Nothing further required of the field.”

“08/16/2023 11:28...Good morning, I also upload the pay comp tracker to process member's DQ. Please let me know if you need anything else.”

“08/16/2023 09:04...Good morning, request assistance to process member's E503 and change member’s pay record to V status. Member's separation date is 9/14/2021. His last command never submitted the E503 and just let member's pay stop based on TU date (7/31/2022). My team had submitted the E503 on DMR yesterday but rejected with error code 23D and ZAT. I have uploaded member’s DD214. Please let me know if you need anything.”

t. Petitioner was discharged with an Honorable character of service and was issued a DD Form 214 for the period of 16 June 2023 to 14 September 2023 due to accepting commission or warrant in same branch of service (Separation Code: KGM) and reentry code of RE-2. Official authorized to sign DD Form 214 was dated 5 October 2023.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

u. On 15 September 2023, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 5100 (Staff Corps Officer billet requiring Civil Engineering specialty) in the active U.S. Navy listing block 18 (Permanent grade) ENS, block 19 (Permanent grade date) 15 September 2023, block 20 (Present Grade) ENS, and block 21 (Present grade date) 15 September 2023. Petitioner/witness signed this form.

v. Defense Finance and Accounting Service Military Leave and Earnings Statement for the period of 1 to 31 October 2023 listed Military Pay/Allowance Debt Balance of \$45,457.94.

w. In the advisory opinions, 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 partial merit and warrants partial favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following partial corrective action. The Board concluded that on 14 September 2021, Petitioner was discharged due to DUI. Although the decision to discharge him occurred in September 2021, he was not issued a DD Form 214 at the time of his separation, and he continued to receive pay until August 2022. On 15 June 2023, Petitioner was accepted back into the program and on 10 August 2023, Petitioner was issued a DD Form 214 for the period 19 June 2020 to 14 September 2021 due to unacceptable conduct. On 14 August 2023, Petitioner was issued a second DD Form 214 due to failure to complete commissioning or warrant program for the same period as the first DD Form 214. Petitioner incurred a debt for pay received after the effective date of discharge until August 2022. The Board determined in accordance with reference (d), on 14 September 2021, Petitioner was separated from the Navy by CNRC with concurrence of the CEC OCM, however due to administrative error, he was not issued a DD Form 214 and his loss from the Navy was not reflected in a timely manner. Additionally, Petitioner has two DD Form 214s for the same period, therefore in accordance with enclosure (3), the DD Form 214 issued on 10 August 2023 will be removed from his record.

Petitioner contends that he was unaware that he was separated, that it was not his fault that the Navy continued to pay him, and he should not be held responsible to repay the money he received after his discharge. However, in accordance with his CEC Service agreement, after completion of his degree requirements, he would have received orders to the next available OCS class, within the next 30-60 days. Petitioner received his degree on 24 July 2021, therefore Petitioner should have received orders by 24 September 2021. On 14 September 2021, Petitioner notified [REDACTED] that his OCS ship date was 2 September 2021 and class date of 17 October 2021. Petitioner was awaiting a court date and his attorney requested various documents, including OCS ship date orders. On that same date, Petitioner's CO notified Civil Engineering Collegiate Program Manager Command (N313) that he recommended that Petitioner be discharged from the Civil Engineering Collegiate (CEC) program due to his Driving Under the Influence incident and his failure to uphold the Navy professional standards according to his CEC Service Agreement. Petitioner states that he was not privy to the above letter from his CO to N313 and that the Navy made no effort to contact him that he was

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

disenrolled. He also states that because he was still being paid, he believed that he was still in the program. However, the Board determined that Petitioner's own actions placed him in a position where his status was in question and that even if Petitioner was unaware of the CO's recommendation to discharge him, and even if the Navy failed to inform him of his discharge, Petitioner should have inquired why he continued to receive pay after his expected OCS ship date had passed and he was performing no duties for the Navy. The Board determined that Petitioner's debt is valid and any erroneous payments he received must be repaid.

RECOMMENDATION

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

Petitioner's DD Form 214 for the period of 19 June 2020 to 14 September 2021 due to unacceptable conduct (Separation Code: KNC) and reentry code of NA, signed by authorized official on 10 August 2023, is null and void and will be removed from Petitioner's Official Military Personnel File.

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

That a copy of this report of proceedings 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 titled 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.

1/13/2025

