



**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. 10337-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █, USN,  
XXX-XX-█ RET

Ref: (a) 10 U.S.C. § 1552  
(b) 10 U.S.C. § 1370

Encl: (1) DD Form 149 w/enclosures  
(2) Advisory Opinion by OPNAV N131, undated

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 his retirement rank be adjusted from O-3E to O-4.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 21 March 2024, and pursuant to its regulations, determined 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 records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. On 1 December 2018, Petitioner accepted appointment as an O-4/Lieutenant Commander (LCDR) in the U.S. Navy.

b. Petitioner retired from active duty on 1 September 2021<sup>1</sup>. See enclosure (2).

c. Petitioner contends he was unaware reference (b) had changed the retirement service-in-grade (SIG) requirement from two to three years effective 1 January 2021.

d. OPNAV N131 provided enclosure (2), an Advisory Opinion (AO) recommending approval of Petitioner's request to waive the SIG requirement for retirement. The AO explains

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<sup>1</sup> Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) was not available in his Official Military Personnel File (OMPF) but the date of his retirement was verified by enclosure (2) and other documents within his electronic OMPF.

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that the National Defense Authorization Act of Fiscal Year 2021 increased the O-4 voluntary retirement SIG requirement of reference (b) from two to three years. Because the change was a minor change and not the main intent of the reference (b) modification, the change went unnoticed by the services. Once known to the U.S. Navy, this change to SIG was announced via Navy Personnel Command's Officer Retirement Laws website on 19 May 2021. The AO further opined that it is reasonable that Petitioner was unaware of the change and expected to retire as an O-4 with only two years SIG. Further, Petitioner's retirement date in September 2021 is just three months shy of reaching three years SIG. Lastly, the AO states that waiving up to a year SIG does not result in increased cost or change Petitioner's retirement pay which is based on the highest 36 months of active duty pay.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. The Board, relying on the OPNAV N131 AO at enclosure (2), concurred with the recommendation to waive the remaining months on the three-year SIG requirement, allowing Petitioner to retire as an O-4/LCDR.

#### RECOMMENDATION

In view of the above, the Board recommends the following corrective action.

Petitioner's naval record be corrected to reflect his retirement as an O-4/LCDR.

Note: Navy Personnel Command will issue a DD Form 215 or a new DD Form 214, whichever one they deem appropriate.

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 Regulation, 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

4/5/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]