



**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. 1652-24  
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 4 September 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.

On 25 October 1990, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) in the active U.S. Navy as an Ensign.

On 16 June 2020, you were issued official retirement orders (BUPERS order: 1670) while stationed in ■■■■■■■■■■ ■■■■■■■■■■ with an effective date of departure of December 2020 from Duty with an effective date of retirement 1 December 2020.

You were retired 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 4 November 1990 to 30 November 2020 upon having maximum service or time in grade.

On 28 December 2020, Petitioner's Master Military Pay Account shows that Basic Pay stopped effective 30 November 2020. Furthermore, you were charged terminal leave for the period of 26 October 2020 to 30 November 2020 (36 days).

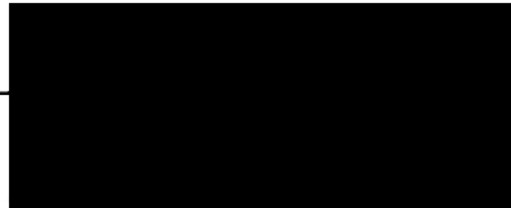
You requested to change your naval record to reflect you were entitled to military pay and allowances for the month of December in 2020, the Board in its review of your entire record and

application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you were due active duty pay for the month of December 2020, which is supported by your retirement orders and your DD Form 214 stating that you served 30 years and 27 days. However, the Board concluded that in accordance with 10 U.S. Code § 634, each officer of the Regular Navy who holds the regular grade of Captain, who is not on a list of officers recommended for promotion to the regular grade of Brigadier General or rear Admiral (Lower Half), respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes 30 years of active commissioned service. Your DD Form 214 lists 4 November 1990 as the date you entered active duty. Therefore, you reached 30 years of active in November 2020. Your retirement orders state that your effective retirement date is 1 December 2020. By 1 December 2020, you had completed 30 years and 27 days of service. The Board determined that your retirement orders are in compliance with the law, your DD Form 214 reflects the correct separation date, and your debt is valid. In accordance with DoD 7000.14-R FMR,<sup>1</sup> you were not entitled to pay and allowances as of the date you were placed on the retired list, therefore no change to your record is warranted.

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, \_\_\_\_\_

9/21/2024



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<sup>1</sup> In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, the pay of Military Service members is prescribed by law. Current basic pay rates are contained in Tables 1-7, 1-8, 1-9, 1-10, and on the Basic Pay tables on DFAS.MIL. Members are entitled to receive pay according to their pay grades and years of service if they are: on active duty in a pay status; and not prohibited by law from receiving such pay.

Table 1-5. Termination or Reduction of Active Duty Pay and Allowances (Continued), Rule 11: If the member is Navy, and status is an officer and action is release from active duty for retirement, then pay and allowances are authorized through the date before date placed on retired list.