



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

█
Docket No. 2348-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 21 November 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 Commander, Navy Personnel Command (PERS-91C) letter 5730 PERS-91 of 9 May 2024, which was previously provided to you for comment.

On 15 April 1994, you enlisted in the U.S. Naval Reserve (USNR) for 8 years with an Expiration of Obligated Service (EOS) of 14 April 2002.

You were released from active duty for training 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 15 April 1994 to 9 November 1994 upon completion of required active service.

On 26 August 1998, you signed a Non-Scholarship College Program Service Agreement for Advanced Standing College Program Students Only (CNET 1110/3).

On 26 August 1998, you enlisted in the USNR for 8 years with an EOS of 25 August 2006.

On 11 May 2000, Naval Reserve Officer Training Corps (NROTC) Unit, █ State University, █, █ issued you an Administrative Remarks (NAVPERS 1070/613)

listing the following: Discharged this date with an Honorable Discharge for the Convenience of the Government (to accept a commission in USNR.) Authority: MILPERSMAN Article 3620100. Designator upon commissioning: 1395.

In accordance with 10 U.S.C. §2106. Advanced training; commission on completion. “(a) Upon satisfactorily completing the academic and military requirements of the program of advanced training, a member of the program who was selected for advanced training under section 2104 of this title may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.”

“(b) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, as the case may be, in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.”

“(c) In computing length of service for any purpose, an officer appointed under this section may not be credited with enlisted service for the period covered by his advanced training, other than any period of enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve.”

On 12 May 2000, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) in the active USNR as an Ensign with a permanent grade date/present grade date of 24 May 2000 with a designator code of 1395 (An Unrestricted Line Officer who is in training for duty involving flying as a pilot), under the Authority of 10 USC 2106.

On 21 September 2000, you were issued a Statement of Service for Naval Reserve Retirement for the period of 15 April 1994 to 25 August 1998 with 4 years, 4 months, and 11 days of Qualifying Years of Service.

On 1 April 2003, you were issued a Statement of Service with the following: Enlisted, USNR (Midn, NROTC, 10 USC 2107, 08/26/98 to 05/11/00) not creditable. █
█ Creditable except for basic pay (█) and (█).

You were released from active duty and Transferred to the USNR with an honorable character of service and were issued a DD Form 214 for the period of 12 May 2000 to 31 May 2004 under Secretarial Authority.

In accordance with MILPERSMAN 1820-050, published on 5 January 2015, how to establish an anniversary year – the full year periods used for the crediting of qualifying service toward a nonregular (Reserve) retirement shall be based on anniversary years. These anniversary year periods are calculated from an anniversary date unique to each Service member. Per reference (b), the date used to determine the anniversary year is established by the date the member entered into active service or into active status in an RC, whichever is earlier. With two exceptions, members with previously established anniversary dates will retain that date as the beginning of their anniversary year:

a. In the case of officers with Reserve service as a cadet or midshipman at a Service academy, or in the Reserve Officers Training Corps (ROTC) Program, the start date of a member's initial anniversary year will be established as the date the member entered into active service or active status, minus any service as a cadet or midshipman.

On 6 May 2024, you were issued a Statement of Service for Naval Reserve Retirement for the periods of 15 April 1994 to 25 August 1998 and 12 May 2000 to 11 May 2023 with 24 years, 4 months, and 11 days of Qualifying Years of Service.

You requested your anniversary year be established from your date of initial entry into the USNR on 15 April 1994 throughout your entire military service without a break in service; the NROTC College Program period to be considered creditable service with appropriate reserve points to include summer training credit; and that an audit be conducted for the period of 12 May 2000 to present date for any missing pay due to monthly time and grade, including during periods of eligible tax free zones. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that on 15 April 1994, you entered active duty and were transferred the USNR on 9 November 1994 upon completion of required active service. You served in the USNR until your discharge on 11 May 2000 and on 12 May 2000, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) in the active USNR under the Authority of 10 USC 2106. In accordance with 10 U.S.C. §2106, in computing length of service for any purpose, an officer appointed under this section may not be credited with enlisted service for the period covered by his advanced training, other than any period of enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve. Therefore, your anniversary year was established as the date you commissioned. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion. Regarding your request for an audit of your pay from 12 May 2000, on 15 October 2024, you were notified via email correspondence that your request for missing pay would not be addressed unless you provided documented evidence that all avenues of administrative relief had been exhausted prior to your Board for Correction of Naval Records submission, however, no response from you was received. Therefore, this part of your request was not considered by the Board.

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,

11/26/2024

