



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

█
Docket No. 2794-23
Ref: Signature Date

█
█
█

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 2 April 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 11 January 2012, you enlisted in the U.S. Marine Corps Reserve for 8 years with an Expiration of Obligated Service of 10 January 2020 and entered active duty on 26 March 2012 for 5 years with an End of Current Contract of 25 March 2017. You were discharged 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 26 March 2012 to 25 March 2016 upon accepting commission or warrant in same branch of service. Your Net Active Service this period was 4 years. On 26 March 2016, you signed a United States Marine Corps Appointment Acceptance and Record (NAVMC 763) in the U.S. Marine Corps as a Second Lieutenant under the Enlisted Commissioning Program. You were discharged with an honorable character of service and was issued a DD Form 214 for the period of 26 March 2016 to 31 January 2022 upon completion of required active service. Your Net Active Service this period was 5 years, 10 months, and 5 days.

You requested correction to your military records to reflect the leap year days unaccounted for, and receive back pay for O-1E, O-2E, and O-3E vice O-1, O-2, and O-3, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. In your last application (Docket No. 4732-17) to the Board, you requested to amend your

date of enlistment from 26 March 2012 to 25 March 2012 because you believed you would be entitled to O-1E pay upon your commissioning. The Board denied your request in accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, “[c]ommissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.” You currently assert that your record does not account for, nor reflect leap year days, which would suffice the prerequisite 4 years and 1-day per the DoD Financial Management Regulation. However, the Board concluded that your net active service in enlisted status was 4 years. DoD 7000.14-R FMR Volume 7A, Chapter 1 states that a leap year represents 1 year of service for basic pay purposes.¹ Therefore, the Board determined that 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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

4/4/2024

█

Deputy Director

Signed by █

¹ In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, commissioned officers with over 4 years of prior active service as an enlisted member, warrant officer, or combined service in both grades are entitled to count such service for purposes of computing basic pay for longevity purposes. Such prior service includes all active service, in either the Regular or Reserve Component or both (i.e., Active Duty for Training (ADT) in enlisted or warrant officer status, annual Reserve training duty, and full-time National Guard duty). Service on active duty or ADT and Inactive Duty Training for at least 4 years and 1 day satisfy the over 4 years of service requirement under this section. 2.3.1.2. Creditable Prior Enlisted Service. Commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E. A leap year represents 1 year of service for basic pay purposes.