



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

██████████
Docket No. 4185-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 264/22, 23 Nov 22

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPC, Promotions Branch, PERS-806, 12 Jul 24
(3) 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 Petitioner's Rate of Lieutenant Commander (LCDR), pay grade O4 on active duty record with pay and allowances from the promotion date of 1 July 2021 through the end of active duty on 2 August 2022.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 3 October 2024 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. On 26 July 2018, Petitioner was issued official recall orders (BUPERS order: ██████████ to ultimate activity ██████████, ██████████, ██████████ for temporary active duty with an effective date of arrival of August 2018, with a projected rotation date of August 2020.

b. Petitioner was released from active duty and transferred to the Navy Reserve with an Honorable character of service and was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 1 August 2018 to 2 August 2022 due to completion of required active service.

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c. On 8 January 2023, Commanding Officer, Navy Operational Support Center, ██████ notified Petitioner that “your permanent appointment to Lieutenant Commander with the date of rank and effective date of 1 July 2021, promulgated by reference (a) [10 U.S.C. §624] pursuant to the provisions of reference (b) [OPNAVINST 1811.3A] is hereby delivered.” Furthermore, Petitioner accepted on the same date.

d. On 8 May 2023, Commander, Navy Personnel Command (NPC) (PERS-9) notified Petitioner that “[p]er references (a) [10 U.S.C. § 101] and (b) [10 U.S.C. § 12774(a)], the Secretary of the Navy approved and authorized your request to transfer to Retired Reserve status effective 1 July 2023.”

e. On 29 January 2024, Petitioner signed an application for arrears in pay (DD Form 827) requesting the following: “[w]hile on ██████ Orders attached to ██████, member was on a promotional hold during the time in which he should have been promoted to 04. [Petitioner] was promoted to 04 while on ██████ orders. Promotion was on hold during the orders however effective date of promotion was 1 July 2021. Member is entitled to 04 pay while on active duty orders and needs to update active duty record to credit 04 pay from 1 Jul 2021 (promotion date) to 2 Aug 2022 (end of active duty).” Furthermore, it was certified by ██████, ██████, ██████ on 13 February 2024.

f. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application and recommended backpay from 1 July 2021 to 2 August 2022.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an error warranting the following corrective action. The Board concluded that Petitioner was on active duty and in accordance with enclosure (2), was scheduled to promote to LCDR on 1 July 2021, however he was placed on promotion hold by PERS-833 on 1 October 2020. He was released from active duty and transferred to the Navy reserves on 2 August 2022. On 23 November 22, reference (b)¹ was published and announced Petitioner’s Permanent Promotion to LCDR effective 1 July 2021. The Board determined that Petitioner’s promotion was announced after his release from active duty, however the effective date was during his period of active duty, therefore Petitioner is entitled to pay and allowances for the rank of LCDR/O-4 for the period of 1 July 2021 to 2 August 2022.

RECOMMENDATION

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

¹ This NAVADMIN is the authority for effecting permanent officer promotions on the dates indicated. Columns read name and designator. Permanent Promotion to Lieutenant Commander [Petitioner] 1205 effective date 1 July 2021. Further stating that if a selected officer does not decline in writing prior to the projected date of rank (noted above in paragraph 1), that officer is considered to have accepted the promotion on the date indicated. An officer who chooses to decline promotion must submit the declination in writing to COMNAVPERSCOM (PERS-806) within thirty (30) days of the release of this NAVADMIN.

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Petitioner's DD Form 214 dated 11 August 2022 will list block 4a (Grade, Rate or Rank) LCDR vice LT, block 4b (Pay Grade) O4 vice O3E, and block 12i (Effective Date of Pay Grade) 1 July 2021 vice 1 March 2016. Note: NPC will issue a DD Form 215 or a new DD Form 214, whichever one they deem appropriate, that reflects the Board's corrective action.

Note: That any other entries affected by the Board's recommendation be corrected. Furthermore, Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine amounts due, if any.

A copy of this report of proceedings will 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.

10/21/2024

[REDACTED]