



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

██████████
Docket No. 7878-24
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.

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 20 February 2025. 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 Navy Personnel Command memo 1900 PERS-312/SA of 6 September 2024 and your response to the opinion.

In accordance with BUPERS 1900.2C published on 13 April 1964, Intent and Design of DD Form 214. The DD Form 214 is designed to provide the individual being released, transferred, or discharged from active duty with documentary evidence of active military service, and to furnish a vital record for interested governmental agencies which assist the individual in obtaining the rights and benefits which may accrue to him as the result of such active service.

Midshipmen. To Midshipmen, ██████████ when separated prior to completion of training, or upon acceptance of a permanent commission in an Armed Force other than the U.S. Navy or U.S. Naval Reserve: and to Midshipmen, USNR (fleet procured only), disenrolled from the NROTC program whose enlistments have not expired or who have a service obligation remaining as a result of their former enlisted status.

Ineligible Personnel. The DD Form 214 will NOT be issued in the case of personnel: (9) Who are Midshipmen, USN (██████████), accepting a permanent commission in the U.S. Navy or U.S. Naval Reserve...

Item 11d — Effective Date. Enter the date the release or discharge from active military service is effective. In the case of personnel granted retirement leave or travel time Incident to separation, construct the effective date to include auth leave or travel, as appropriate.

Item 19c — Effective Date. Enter the date the release or discharge from active military service is effective. In the case of personnel granted retirement leave or travel time Incident to separation, construct the effective date to include auth leave or travel, as appropriate.

In accordance with DoD 7000.14-R Financial Management Regulation Volume 7A, Chapter 1, Service as a cadet or midshipman at a military academy is always creditable service for an enlisted member who is not commissioned. For a prior service member, he/she reverts back to his/her enlisted status to complete their enlistment contract. See Table 1-1 to determine whether such service is creditable for commissioned and warrant officers.

Table 1-1. Service as Cadet or Midshipmen-Officers. Rule 4. When a member currently serving as an officer has had service as a cadet or Midshipman in any of the military academies to which appointed on or after 1 January 1953 and member concurrently retained a commission in the Naval Reserve, then the period is creditable.

On 9 June 1971, you were issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/20) with a designator code of 1100 (Unrestricted Line Officer billet requiring Fleet Support specialty) in the active U.S. Navy listing block 13 (Permanent grade) ENS, block 14 (Permanent grade date) 9 June 1971, block 15 (Present Grade) ENS, and block 16 (Present grade date) 9 June 1971. You/witness signed this form on 9 June 1971.

On 9 June 1971, Chief of Naval Personnel notified via NAVPERS 7220 (Establishment of Pay Entry Base Date), Superintendent, Navy Academy that your Pay Entry Base Date was established with an effective date of 9 June 1971.

On 30 April 1979, you resigned and were issued a Report of Separation from Active Duty Bureau of Naval Personnel (DD Form 214N) for the period of 9 June 1971 to 30 April 1979 with an Honorable character of service due to unknown.

On 25 June 2024, ██████████ notified To Whom It May Concern that this letter certifies that [you] attended the United States Naval Academy fulltime as a midshipman (student) from June 28, 1967 to June 8, 1971. On June 9, 1971, this midshipman graduated with a Bachelor of Science degree in Mathematics and was appointed an Ensign in the United States Navy.

During this period, the midshipman was considered active duty per 10 U.S.C. § 101td) and received pay and allowances as were authorized for an active-duty midshipman under 37 U.S.C. § 203(c). Additionally, the midshipman was authorized medical and dental care

under 10 U.S.C. § 1074 and was subject to the Uniform Code of Military Justice for the duration of their enrollment per 10 U.S.C. §802(a)(2).

On 6 September 2024, you were issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) correcting the following items: Item No. 27 (Remarks) Attended United States Naval Academy 28 June 1967 to 8 June 1971.

You requested item 15 (Date Entered Active Duty This Period) of your Report of Separation from Active Duty (DD Form 214N) effective 30 April 1979 be amended to read 28 June 1967 vice 9 June 1971 due to your assignment as a Midshipman in the U.S. Naval Academy on that date. 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 in accordance with DoD 7000.14-R Financial Management Regulation, when a member currently serving as an officer has had service as a cadet or Midshipman in any of the military academies to which appointed on or after 1 January 1953 and concurrently retained a commission in the Naval Reserve, then the period is creditable. You did not hold a concurrent commission in the Naval Reserve, therefore that period is not creditable. BUPERS 1900.2C states that a DD Form 214 is not issued to members who are Midshipmen, [REDACTED] accepting a permanent commission in the U.S. Navy or U.S. Naval Reserve. You accepted a commission in the USN, therefore a DD Form 214 that covers your time spent as a Midshipman is not authorized. The Board further concluded that because Midshipmen are not authorized a DD Form 214 upon commission, it would be inappropriate to include that service as continuous service when you are authorized the issuance of a DD Form 214. Finally, the Board noted that United States Naval Academy dates are to be recorded in the Remarks section, Block 18 of DD 214. PERS-3B has issued you a Correction to DD 214 (DD 215) that added "[a]ttended United States Naval Academy from 06/28/1967 to 06/08/1971." The Board determined a change to your navy record is not warranted. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

2/24/2025
