



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

██████████
Docket No. 9673-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) OPNAVINST 1120.11A, 14 Jul 15
(c) DODI 1312.03, 28 Dec 18
(d) Program Authorization III. 28 May 2019
(e) CNP memo 1120 Sr N1/021, 11 Apr 23

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by Office of Legal Counsel (BUPERS-00J), 22 Nov 24
(3) Advisory opinion by JAGC, USN, Judge Advocate General's Corps Officer
Community Manager (BUPERS-316F), 26 Feb 25
(4) 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 was awarded 100% credit for his prior 14 years and 1 month of active service time and was appointed to the rank of Lieutenant Commander/O-4.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 22 April 2025 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 15 November 2006, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 1160 (Unrestricted Line Officer billet for an officer in training for Surface Warfare qualification) in the active U.S. Navy listing block 13 (Permanent grade) ENS, block 14 (Permanent grade date) 10 January 2007, block 15 (Present Grade) ENS, and block 16 (Present grade date) 10 January 2007. Petitioner/witness signed this form on 10 January 2007.

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b. On 6 March 2012, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 1115 (An Unrestricted Line Officer who is qualified in Surface Warfare) in the inactive U.S. Naval Reserve listing block 13 (Permanent grade) LT, block 14 (Permanent grade date) 1 February 2011, block 15 (Present Grade) LT, and block 16 (Present grade date) 1 February 2011. Petitioner/witness signed this form on 15 March 2012.

c. Discharged and reappointed in the Navy Reserve 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 10 January 2007 to 15 May 2012 upon completion of required active service.

d. Reference (b) to establish regulations governing: (1) Appointment of officers in the Judge Advocate General's Corps (JAGC), including appointment in the Active Component under DoD Instruction 1310.02 of 26 March 2015 and SECNAVINST 1520.7F in the Reserve Component under DoD Instruction 1205.05 of 30 March 2012, and in either component through inter-Service transfer from another uniformed Service under SECNAVINST 1000.7F. This instruction applies to all individuals appointed as active or reserve officers in the Navy JAGC, including officers transferred from another uniformed Service, reserve officers transferred into the Active Component, reserve officers voluntarily recalled to the ADL, and officers transferred from the line or another staff corps into the JAGC. Entry Grade Credit. "Entry grade and date of rank upon appointment in the JAGC will be based upon prior active commissioned service, advanced education, training, and or special experience..."

"Maximum Entry Grade Credit. To obtain experienced former active duty commissioned officers who can compete for career status while maintaining uniform and stable management of the JAGC community, total entry grade credit granted, other than for officers accessed through the LEP, will be limited to 48 months.

a. The ASN (M&RA), considering the recommendations of the CNO (N1), may waive this limit per the circumstances in subparagraphs 11a(1) through 11a(3)...(3) When a gross inequity to the applicant would otherwise result.

b. Before appointment, selectees for whom a waiver is granted must acknowledge in writing that, although they remain eligible and subject to recall to active duty, they may not be permitted to transfer onto the ADL."

"Computation of Prior Commissioned Service Credit. For appointment in the JAGC, a selectee will be credited with 1 day of service credit for each day of active prior service as a commissioned officer performed in any uniformed Service up to a maximum of 1 year, plus 3 years of constructive service credit under subparagraph 2a. Entry grade credit (prior commissioned service credit plus constructive service credit) will total not less than 3 years and no more than 4 years. A constructive date of rank as ensign will be calculated by subtracting the total entry grade credit from the inception date of the selectee's class at ODS. If the requirement for ODS is waived by CNO (N1), the constructive date of rank as a lieutenant will be the first day of the month of inception at [REDACTED]."

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e. Petitioner was discharged 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 November 2012 to 26 August 2016 upon completion of required active service.

f. Reference (c) Entry Grade Credit. Subject to the limitations in this section, a person's entry grade, date of rank, and service in grade for promotion eligibility will be determined by the amount of entry grade credit awarded upon original appointment. The amount of entry grade credit will equal the sum of the prior commissioned service credit and the constructive service credit a person is given. a. Administration of Entry Grade Credit. (1) Credit will be awarded pursuant to Sections 533 and 12207 of Title 10, U.S.C., and this issuance. (2) A period of time will be counted only once when calculating entry grade credit. (3) Qualifying periods of less than 1 full year will be proportionally credited to the nearest day. (4) Prior commissioned service credit will be calculated before constructive service credit. (5) Regardless of the amount of entry grade credit awarded, a person receiving an original appointment may not be appointed to a grade above the grade of colonel in the Army, Air Force, and Marine Corps, or captain in the Navy.

"Prior Commissioned Service Credit. Credit for prior service as a commissioned officer (except as a commissioned warrant officer) will be awarded for previous commissioned service performed in any Military Service, the National Oceanic and Atmospheric Administration, or the U.S. Public Health Service. a. For regular appointments, except as permitted by Paragraph 3.2.c. or 3.2.d., credit will be awarded on a day-for-day basis for any active commissioned service... The Secretaries of the Military Departments may limit the amount of credit for prior commissioned service in a field other than the professional specialty for which the person is currently being appointed but will award no less than a half day credit for each day of such service."

"Constructive service credit is awarded when commissioned service begins after the additional education, training, or experience required for appointment, designation, or assignment in a professional specialty or a specifically designated field is obtained. Constructive service credit provides a person the grade and date of rank comparable to a contemporary who began commissioned service immediately after obtaining a baccalaureate degree."

"Constructive service credit awarded under this paragraph will be determined in accordance with these guidelines: (1) 1 year of constructive service credit will be awarded for each year of graduate level education to persons appointed, designated, or assigned in an officer category that requires such advanced education or an advanced degree as a prerequisite for appointment...(7) Creditable experience cannot predate the receipt of a degree or certificate; experience gained in a volunteer or student status will not be credited. (8) Periods of time spent as a commissioned officer on active duty or in an active status may not be counted when calculating constructive service credit."

"The total amount of constructive service credit awarded to judge advocates and chaplains for advanced education may not exceed 3 years."

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g. On 28 May 2019, reference (d) was signed and published. Furthermore, it listed the following: "Program Authorization: Direct appointment on active duty as a lieutenant junior grade (LTJG) or lieutenant (LT), U.S. Navy, designator 2500 (Judge Advocate General's Corps (JAGC)). JAGC Officer Community Manager (BUPERS-316F) is the community manager."

"Constructive Entry Credit: Candidates with no prior commissioned service will be credited with 3 years and appointed as LTJG based on entry grade credit. Candidates with prior commissioned service may be credited with up to 1 additional year and may be appointed as LT based on entry-grade credit. Entry-grade credit is awarded in line with Appointment of Active and Reserve Officers in the Navy Judge Advocate General's Corps, OPNAVINST 1120.11 A."

h. On 22 January 2021, [REDACTED] awarded Petitioner a Juris Doctor degree.

i. 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 27 September 2016 to 15 June 2021 upon completion of required active service.

j. On 9 August 2021, Petitioner signed a Judge Advocate General (JAG) Corps Program (2500) Service Agreement (NAVCRUIT 1131/140). Petitioner agreed to the following: "1. Having volunteered for appointment as Lieutenant (junior grade) JAG Corps Program, I hereby acknowledge: a. That: (1) Final approval of my application for Active Duty Lieutenant (junior grade), JAG Corps Program, will be determined by Commander, Navy Recruiting Command and (2) I will accept appointment to commissioned grade as an Officer In the United States Navy in the JAG Corps with a designator of 2500; (3) I will receive and accept orders to [REDACTED] at [REDACTED]."

k. On 6 August 2021, Petitioner was issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) with a designator code of 2500 (Staff Corps Officer billet requiring Law specialty) in the active U.S. Navy listing block 18 (Permanent grade) LT, block 19 (Permanent grade date) 1 August 2021, block 20 (Present Grade) LT, and block 21 (Present grade date) 1 August 2021. Petitioner/witness signed this form on 9 August 2021.

l. On 18 November 2021, Statement of Service was issued with the following total of active service: "14 years, 1 month, and 23 days."

m. Reference (e) in line with DoD Instruction 1312.03 of 28 December 2018 and ASN (M&RA) memo of 30 September 2021, you are authorized to compute entry grade credit (EGC) for Judge Advocates General Corps (JAGC) and Chaplain Corps (CHC) accessions as follows:
a. For new accessions with no prior commissioned service (PCS), EGC will consist of the total constructive service credit (CSC) as authorized in current JAGC and CHC program authorizations or applicable Office of the Chief of Naval Operations Instructions (OPNAVINST). The total amount of CSC for advanced education may not exceed three years. Additional CSC may be awarded for experience in the legal or religious field. Experiential CSC

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must be awarded on published criteria i.e., the program authorization or applicable OPNAVINST.

“For new regular accessions with active PCS and new reserve accessions with PCS as a regular officer or as a reserve officer in an active status, EGC will be the sum of the total PCS credit awarded and the CSC. EGC will be calculated in line with paragraphs lc, Id, and le.

b. For new regular accessions with active PCS and new reserve accessions with PCS service as a regular officer or as a reserve officer in an active status in a field other than the professional specialty (JAGC or CHC), such PCS credit will be calculated at a half day for each day of total prior active commissioned service. The amount of CSC awarded will then be deducted from the calculated amount of PCS credit. The sum will be the total amount of PCS credit awarded, which will then be added to the CSC awarded, resulting in the total EGC awarded to the new accession.”

n. In the advisory opinion, attached as enclosures (2) and (3), the offices having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request has merit and warrants partial favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following partial corrective action. Reference (b) was published to establish regulations governing appointment of officers in the JAG Corps under DoD Instruction 1310.02 of 26 March 2015 and Petitioner’s EGC was calculated based on reference (b). The Board found that reference (c) was in effect when Petitioner signed NAVPERS 1000/4 on 6 August 2021. Although reference (c) allowed day for day credit for prior active commissioned service, it also states that “[t]he Secretaries of the Military Departments may limit the amount of credit for prior commissioned service in a field other than the professional specialty for which the person is currently being appointed but will award no less than a half day credit for each day of such service.” The Board determined that reference (d), published approximately 5 months after reference (c), was also in effect and directed that EGC is to be calculated in accordance with reference (b) limiting prior active commissioned service to a maximum of one year. The Board agreed that reference (d) shows the Navy’s consistent actions to limit credit for prior active commissioned service in cases such as Petitioner’s. Further evidence of this is the current guidelines listed in reference (e), which states that prior active commissioned service is calculated at a half day for each day of total prior active commissioned service and applies the Secretarial limitations listed in reference (c) in the calculation of CSC. Although this reference was not in effect when the Navy calculated Petitioner’s EGC, the Board agreed that the current guidelines more closely follow reference (c). Furthermore, a timelier issuance of the guidance listed in reference (e) would have prevented many errors in EGC calculation of those accessed into the JAGC between the issuance of references (c) and (e). The Board concluded that Petitioner should have been awarded a half day of credit for each day of such service and his CSC should be recalculated in accordance with reference (e). In this connection, the Board substantially agreed with the comments contained in enclosure (3), except the calculation of the date of rank differs by one day. Enclosure (3) used the Certificate of Release or Discharge from

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Active Duty (DD Form 214) of 15 June 2021; however, the Board used the statement of service dated 3 February 2025. Petitioner's new Lieutenant date of rank should reflect 12 July 2018.

The Board agreed that Petitioner does not rate constructive service credit of 3 years for completion of the law degree because he was on a period of active duty for the duration of the school in accordance with references (c) and (e), "[p]eriods of time spent as a commissioned officer on active duty or in an active status may not be counted when calculating constructive service credit." The Board disagreed with Petitioner's request to be appointed to the rank of Lieutenant Commander as he did not obtain 10 years of EGC as required.

Finally, the Board agreed with enclosure (3) that if Petitioner's EGC had been calculated properly, he would have been In Zone for promotion consideration by the FY-25 Navy Lieutenant Commander Staff Corps Promotion Selection Board. Therefore, the Board recommends that Petitioner thoroughly review enclosure 4 in SECNAVINST 1402.1 for information pertaining to requests for a Special Selection Board.

RECOMMENDATION

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

Petitioner's Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) issued on 6 August 2021 listed block 19 (Permanent grade date) 12 July 2018 vice 1 August 2021 and block 21 (Present grade date) 12 July 2018 vice 1 August 2021.

That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further changes be made to 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.

4/28/2025

