



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

██████████
Docket No. 2227-25
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.

A three-member panel of the Board, sitting in executive session, considered your application on 5 August 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 Assistant Commander, Navy Personnel Command for Career Progression letter 5420 PERS-835 of 13 May 2025 and your response to the opinion.

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 26 October 1999, you enlisted in the U.S. Naval Reserve for 8 years with an expiration of obligated service of 25 October 2007.

You were released from active duty 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 21 November 2000 to 26 August 2001 due to entering the NROTC Program.

In accordance with 10 U.S.C. § 205. Computation: service creditable. (a) Subject to subsections (b) and (c), for the purpose of computing the basic pay of a member of a uniformed service, his years of service are computed by adding- (2) all periods during which he was enlisted or held an

appointment as an officer, Army field clerk, or flight officer of... (F) a reserve component of a uniformed service...

(d). Notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after October 13, 1964, that the officer performed concurrently as a member of the Senior Reserve Officers' Training Corps, except for service that the officer performed on or after August 1, 1979, other than for training as an enlisted member of the Selected Reserve may be so counted.

In accordance with 10 U.S.C. §2107. Financial assistance program for specially selected members. ... (g) In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service, other than concurrent enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve...

On 27 August 2001, you signed a ██████████ Service Agreement ██████████ ██████████ listing the following: "A. By Title 10, United States Code Section 2107, I hereby acknowledge that to be eligible for appointment as a midshipman and for participation in the financial assistance program (██████████) I must enlist in the U.S. Naval Reserve for the following: 1. If entering the NROTC program from civilian life, I will enlist in the U.S. Naval Reserve for eight years. 2. If entering from active duty, I will be released from active duty and agree to extend my enlistment to a total of eight years obligated service. 3. If entering from an inactive status in a Reserve component, I will be released and I will enlist in the U.S. Naval Reserve for eight years."

On 7 April 2006, an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) was issued, with a designator code of 1390 in the active U.S. Navy listing block 13 (Permanent grade) ENS, block 14 (Permanent grade date) 26 May 2006, block 15 (Present grade) ENS, and block 16 (Present grade date) 26 May 2006. You/witness signed this form on 6 May 2006.

On 14 September 2006, your Statement of Service (SoS) lists ██████████ 10 USC § 2107, 27 August 2001 to 5 May 2006. Not creditable.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, 2.1.4. Other Creditable Service (with restrictions noted in this subparagraph and in subparagraph 2.2.1). Include the following periods of service: ... 2.1.4.4. 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; ...

3.3 Computation of Active Service. Compute active service time as follows: ... 3.3.6. Do not include service as a cadet or midshipman while in a military service academy or a Reserve Officer Training Program.

You requested for the five years spent in the Individual Ready Reserve (IRR) be considered as creditable service; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that, “[e]ven though I was released from active duty in 2001 to join a [REDACTED] program, the Navy retained me in the IRR in an enlisted status throughout my time at the [REDACTED] unit. I am not requesting creditable service, based upon my status as a Midshipman, I am requesting creditable service for being enlisted in the IRR throughout my time while at university and prior to my commissioning in 2006.” You further assert that this time should be considered creditable based upon 10 U.S.C. § 205, Specifically: 205.a.2.f “...for the purpose of computing the basic pay of a member of a uniformed service, his years of service are computed by adding...all periods during which he was enlisted in a reserve component of a uniformed service.” However, the Board concluded that 10 U.S.C. § 205 also states, “(d) Notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after October 13, 1964, that the officer performed concurrently as a member of the Senior Reserve Officers’ Training Corps, except for service that the officer performed on or after August 1, 1979, other than for training as an enlisted member of the Selected Reserve may be so counted.” Furthermore, your NROTC Scholarship Service Agreement ([REDACTED]) listed 10 U.S.C. §2107 as the authority for eligibility for appointment as a midshipman and for participation in the financial assistance program [REDACTED]

[REDACTED] In accordance with 10 U.S.C. §2107, “...(g) In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service, other than concurrent enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve...”

Accordingly, your SoS lists your IRR period as “[REDACTED] 27 August 2001 to 5 May 2006. Not creditable.” The Board determined that you may not be credited with concurrent enlisted service while in the [REDACTED] because you performed no such service as a member of the Selected Reserve and found no error or injustice to warrant a change to your record. 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,

8/11/2025

[REDACTED]