



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No. 07145-08
7 October 2008

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

Subj: ~~REDACTED~~
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 24 Jul 08 w/attachments
(2) PERS memo dtd 14 Aug 08

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show a performance mark average (PMA) of "4.0" vice "3.9" and a final multiple of "175.35" vice "169.35" on the advancement profile sheet for advancement to MU2 (pay grade E-5) from the Cycle 195 March 2007 examination; and that his MU2 effective date and time in rate date, 16 January 2008 and 1 January 2008, respectively, be backdated to reflect advancement from that cycle.

2. The Board, consisting of Messrs. Fales, J. Hicks and Ivins, reviewed Petitioner's allegations of error and injustice on 2 October 2008, 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, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command office with cognizance over the subject matter

of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing his PMA as requested, awarding him 84 (vice 78) PMA points accordingly, and backdating his MU2 effective date to 16 October 2007 and time in rate date to 1 July 2007.

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 and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, by modifying the advancement examination profile sheet for the Cycle 195 March 2007 advancement examination to show a PMA of "4.0" vice "3.9," award him 84 vice 78 PMA points, and show a final multiple of "175.35" vice "169.35."

b. That his record be corrected further by changing his MU2 effective date from 16 January 2008 to 16 October 2007, and his time in rate date from 1 January 2008 to 1 July 2007.

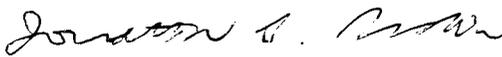
c. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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 entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director