



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

BAN
Docket No. 12258-08
15 May 2009

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Bureau of Naval Personnel memo 1430 Ser 811/079 of 2 Feb 09
(3) Commanding Officer, Carrier Airborne Early Warning Squadron
ONE TWO FOUR ltr 5520 Ser 00/062 of 4 May 09
(3) Service Record

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 advancement to E-4/IT3 from the September 2007, Navy-wide advancement exam, Cycle 196.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and George, reviewed Petitioner's allegations of error and injustice on 11 May 2009 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. The Board also considered an Advisory Opinion furnished by the Bureau of Naval Personnel attached as enclosure (2) that recommended no relief be granted.

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. Prior to the September 2007, Navy-wide advancement exam, Petitioner was a striker for the Information Systems Technician (IT) rating. His command advised him that in order to qualify to strike for the IT rating and advance to E-4, he had to complete all the prerequisite IT courses and qualify in three watch standings. Therefore, Petitioner completed all of his required courses and watches and then his command allowed him to participate in the September 2007, Navy-wide advancement exam for IT3. Petitioner scored a 122.18, which was

above the minimum multiple required to advance (a minimum score required to pass and advance was 50.00). However, Navy Education and Training Center (NETPDTC) invalidated the exam because Petitioner had not attended IT "A" school. Attendance at that school is a prerequisite to participating in the advancement cycle that was not previously made known to Petitioner.

c. Therefore, in September 2008, Petitioner applied and was accepted into the IT "A" school. He successfully completed the course in November 2008. In December 2008, Petitioner submitted a request to the Board for Correction of Naval Records for advancement to E-4/IT3 retroactive to the September 2007 cycle. Petitioner believed it was through no fault of his own that the original exam was invalidated since his former command gave him inaccurate guidance. The Petitioner's current commanding officer submitted a favorable endorsement letter supporting the retroactive advancement, (enclosure (3)). ,

d. In an advisory opinion, enclosure (2), the Bureau of Naval Personnel (BUPERS) recommended that no relief be granted. They reason that although the command erred in allowing Petitioner to take the September 2007, Navy-wide advancement exam for IT3, Petitioner was not eligible to take the exam per BUPERINST 1430.16F which states that in order to participate for advancement to IT3, the completion of IT "A" school is required.

CONCLUSION:

Upon review and consideration of all the evidence of the record, the Board concludes that Petitioner's request warrants favorable action. The Board finds that although Petitioner was not eligible to participate in the advancement examination for E-4/IT3 in September 2007, his former command erred in advising him that he was eligible and then allowed him to take the IT3 exam. In addition, the Board feels that Petitioner did finally complete the required IT "A" school in November 2008, and currently has his commanding officer's recommendation, supporting Petitioner's request for advancement from the September 2007, exam cycle. Accordingly, the Board concludes that the record should be corrected to show that Petitioner was advanced to E-4/IT3 from the September 2007, Navy-wide advancement exam, with an effective date of 16 June 2008.

RECOMMENDATION:

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

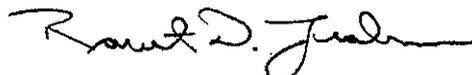
a. Petitioner was advanced to E-4/IT3 from the September 2007, Navy-wide advancement exam, with an effective date of 16 June 2008.

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 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.

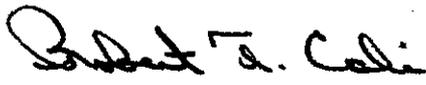
ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS, III
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.


For W. DEAN PFEIFFER
Executive Director

Reviewed and approved:


5-27-09

Robert T. Cali
Assistant General Counsel
(Manpower and Reserve Affairs)