



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

BAN
Docket No. 01176-09
13 July 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 811/347 of
29 May 09
(3) Commanding Officer, Helicopter Antisubmarine Squadron
ELEVEN ltr of 9 Jul 09
(4) 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/AO3 from the September 2008, Navy-wide advancement exam, Cycle 200.

2. The Board, consisting of Messrs. Pfeiffer, Exnicios, and George, reviewed Petitioner's allegations of error and injustice on 29 June 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 2008, Navy-wide advancement exam, Petitioner was a striker for the Aviation Ordnance (AO) rating. His command advised him that in order to qualify to strike for the AO rating and advance to E-4, he had to complete all the pre-requisite AO courses. Therefore, Petitioner completed all of his required courses and then his command allowed him to participate in the September 2008, Navy-wide advancement exam for AO3. Petitioner scored a 146.79, which was above the minimum multiple required to advance (the minimum score

required to pass and advance was 146.10). However, Navy Education and Training Center (NETPDTC) invalidated the exam because the Petitioner had not received pre-approval from his Enlisted Community Manager (ECM) to participate in the examination. The command was unaware that Petitioner was required to hold a final security clearance and be pre-approved by the ECM in order to convert to the AO rating and participate in the exam cycle. Therefore, because the ECM for the AO rating was never contacted for rate conversion approval, Petitioner's exam was invalidated.

c. In January 2009, Petitioner received his final clearance authorization. In March 2009, Petitioner's command meritoriously advanced Petitioner to AO3 due to sustained superior performance. In February 2009, Petitioner submitted a request to the Board for Correction of Naval Records for advancement to E-4/AO3 retroactive to the September 2008 cycle. Petitioner believed it was through no fault of his own that the original exam was invalidated because his command failed to give him accurate 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) recommends that no relief be granted. They reason that although the command erred in allowing Petitioner to take the September 2008, Navy-wide advancement exam for AO3, Petitioner was not eligible to take the exam since the ECM did not approve the request.

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/AO3 in September 2008, his command erred in advising him that he was eligible and then allowed him to take the AO3 exam. In addition, the Board notes that Petitioner did finally received authorization from the ECM and has his commanding officer's recommendation, supporting Petitioner's request for advancement from the September 2008, exam cycle. Accordingly, the Board concludes that the record should be corrected to show that Petitioner was advanced to E-4/AO3 from the September 2008, Navy-wide advancement exam, with an effective date of 16 December 2008.

RECOMMENDATION:

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

a. Petitioner was advanced to E-4/AO3 from the September 2008, Navy-wide advancement exam, with an effective date of 16 December 2008.

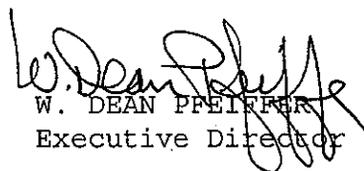
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



ROBERT D. ZSALMAN
Recorder

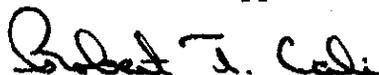
WILLIAM J. HESS, III
Acting Recorder

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



W. DEAN PFEIFFER
Executive Director

Reviewed and approved:



7-30-09