



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

MEH
Docket No. 1595-09
20 May 09

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) CNRC memo 1133 Ser 32/ of 28 Apr 09
(3) Subject's naval 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 enlistment in paygrade E-2, vice E-1.

2. The Board, consisting of Messrs. Exnicios, George, and Zsalman, reviewed Petitioner's allegations of error and injustice on 20 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.

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 office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

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 injustice warranting the following corrective action.

RECOMMENDATION:

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

a. She enlisted in paygrade E-2, vice E-1, effective 29 January 2008 (Active Duty Service Date). She was further advanced to paygrade E-3 effective 16 November 2008. Petitioner met the criteria for advanced paygrade based on Delayed Entry Program (DEP) referrals.

b. (NOTE: The change in the effective date of advancement to E-3 may also impact on Petitioner's E-4 advancement opportunity. If Petitioner was eligible for the E-4 examination but did not take it because the above change had not been made, the following procedures will apply. Petitioner should take the next available E-4 advancement examination and compare the Final Multiple Score (FMS) received on that examination with the FMS that was required for the "missed" examination. If the score received meets or exceeds the score that was previously required for advancement Petitioner may reapply to the Board for consideration of advancement to E-4 retroactive to the date she would have been advanced on the "missed" examination cycle. A DD Form 149, command endorsement/recommendation, and a copy of this letter must be included. The Board will determine whether the request will be approved.)

c. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

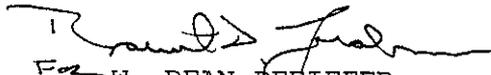
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS III
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.

20 May 2009


For W. DEAN RIEFFER
Executive Director