



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

LCC
Docket No: 2032-10
9 Mar 10

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments
(2) NPC ltr 5420 Ser BUPERS-32/229 of 1 Mar 10
(3) NPC memo 1160 Ser 811/096 of 3 Mar 10
(4) NRD, New Orleans 1000 Ser 00/061 of 23 Feb 10
(5) 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 Petitioner was advanced to CTT/E-5 upon graduation from CTT "A" school.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and Exnicios reviewed Petitioner's allegations of error and injustice on 8 March 2010 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 August 2008, Petitioner reached an agreement to return to active duty beginning in June 2009 as an "E-3" with a guaranteed advancement to Intelligence Specialist Second Class (IS2/E5) after completion of Intelligence Specialist "A" and "C" schools. That agreement was reduced to a writing in Annex A to the DD Form 4 dated 28 August 2008.

c. Shortly thereafter, Petitioner submitted a request to commence her active duty earlier than June 2009 because of her personal family situation.

d. In January 2009, she was returned to active duty in pay grade E-3 and was subsequently ordered to Cryptologic Technician "A" and "C" school vice Intelligence Specialist "A" and "C" schools.

e. Petitioner is seeking advancement to Cryptologic Technician Second Class (E-5) effective the date of her graduation from Cryptologic Technician "A" school. She alleges she was not aware that by shipping early and attending Cryptologic Technician "A" and "C" school vice Intelligence Specialist "A" and "C" schools she was giving up the prior guarantee of advancement to E-5.

f. In correspondence attached as enclosures (2), (3), and (4), the offices having cognizance over the subject matter addressed in Petitioner's application have commented to the effect that the request has partial merit and warrants favorable action.

g. In enclosure (5), the Navy Recruiting District, New Orleans, advised that due to administrative errors in Annexes (A) and (B) it is "possible that (Petitioner) did not understand that changing her contract voided her guaranteed promotion to E-5."

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2), (3), (4) and (5) the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

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

a. On 3 November 2008, Petitioner signed an Annex B to the DD Form 4 dated 28 August 2008 which included the following enlistment guarantees:

Option (1): Cryptologic Technician-Technical Class "A" School Guarantee.

Option (2): Authorized enlistment, Advancement to paygrade E-3 upon initial enlistment and CTT2/E5 upon completion of CTT "A" and "C" Schools.

Option (3): Report to TPU Great Lakes."

b. Petitioner was advanced to Cryptologic Technician Second Class (paygrade E-5) effective 12 December 2009.

c. That so much of Petitioner's request for corrective action as exceeds the foregoing be denied.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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

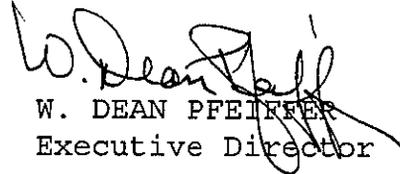

WILLIAM J. HESS, III
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of

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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.

9 March 2010


W. DEAN PFEIFFER
Executive Director