



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No. 8593-20
Ref: Signature Date

█
█
█
Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 1 June 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion contained in the Naval Education and Training Professional Development Center email of 13 April 2021; a copy of which was previously provided to you for comment.

You requested retroactive advancement to AMS2/E-5 and the associated back-pay. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that you did not meet the eligibility requirement for advancement in accordance with Bureau of Naval Personnel Instruction 1430.16A. Specifically, the policy stipulated that personnel who passed the Navy Wide Advancement Exam (NWAE) on active duty but were released from active duty prior to date of advancement might be advanced under two conditions. The first condition required the individual to affiliate with a Naval Reserve drilling unit within 12-months of the date released from active duty. The second required a request for advancement determination from the Chief of Naval Personnel (CNP), within 2-years from the month the NWAE was administered. A review of your record indicates you participated in the March 1981 (Cycle 091) NWAE and was selected for advancement to AMS2/E-5 with an effective date of 16 December 1981. According to your NAVPERS 1616/5, Report of Enlisted Performance Evaluation ending

30 June 1981, you were frocked to AMS2/E-5. However, on 22 July 1981, you were released from active duty and transferred to the Navy Reserve, but there is no record of you affiliating with a Navy Reserve unit or garnering authorization to keep your advancement to AMS2/E-5 after release from active duty. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

[REDACTED]
7/16/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]