



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

[REDACTED]
Docket No. 1309-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G

Encl: (1) DD Form 149 w/attachments
(2) OPNAV N132 email of 20 Apr 21
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish retroactive advancement to Operations Specialist First Class (OS1)/E-6 from the September 2019 (Cycle 244) Navy Wide Advancement Examination (NWAE).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 1 June 2021 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, relevant portions of Petitioner's naval record, 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), Commanding Officers may request standard score comparison exception to policy (ETP) no later than 6 months after the missed exams limiting date.

b. Petitioner advanced to Operations Specialist Second Class/E-5 on 16 February 2017.

c. Petitioner was on temporary duty (TDY) from 1 August 2019 through 30 September 2019. Due to the operational commitment, Petitioner was unable to participate in the September 2019 (Cycle 244) NWAE.

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d. Petitioner participated in the March 2020 (Cycle 247) NWAE and was selected for advancement.

e. On 9 December 2020, Commanding Officer, Tactical Operations Control Squadron Eleven submitted an exception to policy requesting adjustment to Petitioner's Time in Rate (TIR) to be dated for the Cycle 244 NWAE.

f. On 16 December 2020, Petitioner advanced to OS1/E-6.

g. On 22 February 2021, Chief of Naval Operations (OPNAV) N13 returned the ETP with no action taken; request was received after the 31 December 2020 deadline.

h. In the email attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application indicated a Professional Military Knowledge Eligibility Exam (PMK-EE) deadline was required as well; however, at that point in time, the request would have been approved.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. Petitioner met the basic eligibility criteria to participate in the NWAE but was unable to participate in Cycle 244 as a result of being TDY. Although Petitioner's Command submitted a standard score ETP, the request was not submitted in accordance with the timeline outlined in reference (b), thereby rendering Petitioner ineligible for retroactive advancement. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, relief is warranted.

RECOMMENDATION

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

Exception to policy including approval of a PMK-EE deadline waiver authorized Petitioner's advancement to OS1/E-6 effective "16 June 2020" vice "16 December 2020" with a Time in Rate (TIR) date of "1 January 2020" vice "1 July 2020". Note: After comparison, Petitioner's Final Multiple Score (FMS) for September 2019 (Cycle 244) NWAE would have been 138.87; the minimum multiple required was of 138.38.

Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due retroactive pay and allowances.

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

4. It is certified that a 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.

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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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

7/19/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]