



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

[REDACTED]
Docket No: 1704-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) NPC ltr 1430 PERS 8031/265 of 24 Sep 21

1. Pursuant to the provisions of the reference, 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 by advancing him to E-7 effective 16 August 2016.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 November 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 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, 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. Petitioner separated from the Navy on 3 December 2015 and subsequently reenlisted in the Navy Reserves.

b. Petitioner contends that before his separation from active duty, he was not counseled about the advancement determination or that he would lose his advancement to Chief Petty Officer upon separation. Petitioner also contends that he was not informed that he did not retain his advancement to E-7 until he sought reenlistment into the Navy Reserves.

c. The advisory opinion (AO) furnished by PERS-803 recommended approval of Petitioner's request. According to the AO, BUPERS-321, the Enlisted Community Manager fully accepts Petitioner as Boatswains Mate Chief (BMC/E-7) due to the BM rating being under manned. The AO determined that Petitioner may be advanced to BMC effective 16 August 2016 with a time in rate of 1 September 2015. See enclosure (2).

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

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action. The Board noted that Petitioner was selected for advancement to E-7 prior to his separation from active duty and that the Enlisted Community Manager concurs with Petitioner's advancement. The Board substantially concurred with the AO and determined that Petitioner should be advanced to E-7 effective 16 August 2016 with a time in rate of 1 September 2015.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by advancing Petitioner to the pay grade E-7 effective 16 August 2016 with a time in rate of 1 September 2015.

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.
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.

11/19/2021

[REDACTED]

Executive Director

Signed by [REDACTED]