



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

█  
Docket No. 3674-21  
Ref: Signature Date

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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.

A three-member panel of the Board, sitting in executive session, considered your application on 19 October 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 Branch Head, Enlisted Career Progression (PERS-803) memorandum 1430 PERS 8031/192 of 5 August 2021; a copy of which was previously provided to you for comment, and your response.

On 11 June 1987, you entered active duty for 4 years with an end of active obligated service (EAOS) of 10 June 1991. On 29 March 1990, you signed a 24 month agreement to extend enlistment in order to continue career with a soft end of active obligated service (SEAOS) of 10 August 1993. On 16 December 1990, you were advanced to Petty Officer Third Class/E-4.

In accordance with MILPERSMAN (1060020) 1991, The Career Schools Listing (CSL) provides a listing of courses of instruction that will establish eligibility for automatic advancement to Petty Officer Second Class. Automatic advancement is applicable to the following programs: Selective Training and Reenlistment (STAR), Advance Electronic Field (AEF), Advance Technician Field (ATF), and Nuclear Power. NEC 8483 was not listed under CSL schools.

On 23 January 1991, you submitted a special request/authorization (NAVPERS 1336/3) to utilize the STAR program with your request for operating room technician "C" school. On 4 February 1991, you signed an Enlisted Personnel Action Request for the STAR program operating room technician (HM/8483). On 3 April 1991, COMNAVMILPERSCOM notified Command that your STAR reenlistment presently not eligible for SRB or automatic advancement to E-5. Recommend liaison with NMPC407/HM detailer to extend until graduation date (if necessary) from "C" school and subsequently reenlist for STAR with selective reenlistment bonus (SRB) and automatic advancement if eligibility maintained. On 1 May 1992, BUPERS, Washington DC notified Command that Petitioner was approved for a zone "A" SRB (\$10,920.00) based on NEC 8483 for a 6 year reenlistment effective 1 May 1992. On



1 May 1992, you earned NEC 8483 (Operating Room Technician). On 1 May 1992, you reenlisted for 6 years with an EAOS of 30 April 1998. Career designated under STAR. On 6 May 1992, you participated in the March 1992 Navy-wide Advancement Examination; however, no evidence that you were selected exists. On 4 April 1995, CHNAVPERS, Washington DC notified Command that you were directed to proceed home. Reason: temporary disability retired list (TDRL) 60% effective 6 May 1995. On 5 May 1995, you transferred to the TDRL. On 17 June 1999, Commander, Navy Personnel Command notified you that Secretary of the Navy determined that the disability for which you were placed on the Temporary Disability Retired List had stabilized and that your disability was permanent and rated at 30 percent disabling. Accordingly, you were placed on retired list by reason of a permanent physical disability effective 1 July 1999 in the grade of Hospital Corpsman Third Class.

You requested that you be advanced to E-5 under the STAR program; 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 MILPERSMAN (1060020) 1991 was in effect at the time of your request to reenlist under the STAR program. According to this reference, the intent and the historical application regarding STAR advancements has been to honor qualifying CSL "C" school completion carried out prior to STAR as criterion for automatic advancement. However, the CSL to be used in determining eligibility is the CSL in effect on STAR reenlistment date. On 3 April 1991, COMNAVMILPERSCOM notified your Command that your STAR reenlistment was presently not eligible for SRB or automatic advancement to E-5. It was recommended that you extend until graduation date (if necessary) from "C" school and subsequently reenlist for STAR with SRB and automatic advancement if eligibility maintained. The Board concluded that you were not eligible for automatic advancement at that time because you did not request an eligible "C" school. Furthermore, the Board concluded that you subsequently graduated from your requested school; therefore, you did not qualify for automatic advancement upon your reenlistment under the STAR program on 1 May 1992. 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,

11/19/2021

