



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

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Docket No: 4778-21

Ref: Signature Date

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Dear Petitioner:

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 25 January 2022. 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 as well as the 16 September 2021 advisory opinion (AO) furnished by the Navy Enlisted Career Progression Branch (PERS-803). The AO was provided to you on 22 September 2021, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request for reentry on active duty and promotion to Chief Petty Officer (CPO). The Board considered your contention that you were selected for promotion to CPO during the Fiscal Year 2021 advancement cycle, your selection board was delayed due to the global pandemic, and the results of the promotion board were not published until after your discharge. You claim that your reentry on active duty as a CPO select should be upheld due to manpower needs in your community.

The Board, however, substantially concurred with the AO. In this regard, the Board noted that according to the Navy Advance Manual for Enlisted Personnel, for personnel separated prior to publication of the advancement results, commands are required to ensure the advancement cycles are invalidated for those members. Therefore, members whose advancement cycles were invalidate are not eligible for advancement. The Board also noted that according to your DD Form 214 reentry code, you are eligible to apply for reentry to active or reserve duty. The Board

determined that upon your request for return to active duty or affiliation in a drilling status, you may request an advancement determination. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

2/10/2022

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Executive Director

Signed by: █