



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

█
Docket No. 5916-21
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 2 December 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 Navy Personnel Command memorandum 1430 PERS-8031/279 of 6 October 2021; a copy of which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You requested to correct your Performance Mark Average (PMA) to establish advancement from the September 2017 (Cycle 236) Navy-wide Advancement Exam (NWAE). 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 criteria for retroactive advancement in accordance with Bureau of Naval Personnel Instruction (BUPERSINST) 1610.10D and BUPERSINT1430.16F. Specifically, the policies stipulate that supplemental material submitted after the first day of the month in which an advancement examination is scheduled may not be used to compute or re-compute the PMA for that advancement cycle. A

review of your record indicates you received a Special Evaluation for the period of 13 May 2016 through 28 February 2017 with a "Promotable" promotion recommendation. On 14 December 2017, an Evaluation Report Supplement Change was issued for the aforementioned report, correcting your promotion recommendation to a "Must Promote." However, the report was submitted after 1 September 2017, thereby rendering you ineligible for a re-computation of your PMA. 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,

1/26/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]