



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

█  
Docket No. 6187-21  
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.

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 16 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.

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 be reinstated to the paygrade for E-8 for retired pay. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. Per Service Instruction enlisted members in the pay grades of E7, E8, or E9 retired voluntarily or transferred to the Fleet Reserve shall be retired in the highest grade satisfactorily held upon completion of 2 years active duty in grade. In individual cases involving substantial hardship, unusual circumstances, or when the best interest of the service is concerned, waivers of time-in-grade may be authorized by Commander Navy Personnel Command, for not less than 6 months. The Board concluded there was no evidence of a waiver request submitted by you. Nor was there evidence of a request to modify, or cancel your voluntary transfer to the Fleet Reserve request in which you submitted on 15 December 1990. Lastly, there was no evidence of a reduction of forces as you asserted. The evidence available was that you submitted

a NAVPERS 1830/1 (Application for transfer to Fleet Reserve) on 15 December 1990 for transfer effective 31 March 1992. The application contained the following statement “I understand that submission of this application renders me ineligible for selection board consideration and advancement rate” with your signature beneath, the Service advanced you to RMCS E-8 effective 1 September 1991. On 13 November 1991 the Chief of Naval Personnel approved your request to transfer to the Fleet Reserve effective 31 March 1992. At the time of transfer to the Fleet Reserve you only had six (6) and one half (1/2) months of service in the paygrade of E-8 of the 24 months required.

You may file a request for consideration for advancement on the retired list. In accordance with Title 10, United States Code, Section 8334, members of the naval service who retire with less than 30 years of active service or are transferred to the Fleet Reserve are entitled, when active service plus service in the Fleet Reserve totals 30 years, to be advanced on the retired list to the highest grade held when serving on active duty satisfactorily, as determined by the Secretary of the Navy. This can be accomplished by contacting or submitting said request to Navy Personnel Command (PERS-836). They can be reached by mail at 5720 Integrity Drive, Millington, TN 38055 and/or phone at 901-874-3246.

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,

1/25/2022

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Deputy Director

Signed by: █