



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

██████████
Docket No. 6992-21
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.

A three-member panel of the Board, sitting in executive session, considered your application on 17 May 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. In addition, the Board considered the advisory opinion by Bureau of Medicine and Surgery (BUMED) letter 1210 Ser M00C/22UM00C30002 of 24 January 2022 and Navy Personnel Command (NPC) email of 4 April 2022; and your response to the opinion.

You requested your record be corrected to reflect promotion to Lieutenant (LT)/O-3 effective 1 February 2021 or date of accession on 7 May 2021. 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 in accordance with Chief of Naval Operations Instruction 1120.7A, you received the maximum credit allowable for experience. A review of your record indicates, on 29 January 2020, the Professional Review Board awarded you 3-years of Entry Grade Credit (EGC). On 12 April 2021, you signed NAVCRUIT 1131/245, Memorandum of Understanding for Initial Date of Rank accepting the 3-year EGC that established your official date of rank as 29 January 2019, and NAVPERS 1000/4, Officer Appointment Acceptance and Oath of Office, whereby you acknowledged your grade and date of grade as Lieutenant Junior Grade/29 January 2019. Thereafter, you entered active duty on 7 May 2021. Per Title 10 Sections 611, 624 and 5947, an All Fully Qualified Officer List (AFQOL) screening process is required for promotion consideration from O-2 to O-3. Pursuant to the those laws, NPC has business rules that indicate to be eligible for consideration for LT/O-3 an officer must be on the Reserve Active Status List or Active Duty List the day the process convenes, regardless of EGC.

The primary AFQOL process begins on May 1, and the second AFQOL process begins on December 1, thereby rendering you ineligible for consideration during the primary AFQOL process and promotion to LT/O-3 effective 1 February 2021. In this connection, the Board concurred with the comments contained in the BUMED advisory opinion regarding EGC but disagreed with their findings on promotion eligibility effective 1 February 2021. Additionally, the Board agreed with NPC's determination on your promotion ineligibility effective 1 February 2021, however, found you should have been eligible for screening during the second Fiscal Year 2022 LT AFQOL review held on 1 December 2021 and recommended you follow-up with PERS-806 regarding eligibility for a Special Selection Board if you were not considered.

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,

6/7/2022

█
█

Deputy Director

Signed by: █