



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

██████████
Docket No. 839-22
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 2 February 2023. 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.

On 9 December 2020 you certified your Record of Military Processing – Armed Forces of the United States (DD Form 1966) listing block 32a (Specific Option/Program Enlisted for) New Accession Training Advanced Electronics Field Advanced Electronics Computer Field (NAT/AECF) Program with an ADSD of 13 May 2021.

On 9 December 2020 you enlisted in the U.S. Naval Reserve for 8 years with an EOS of 8 December 2028. Furthermore, you were classified in the AECF/AEF Rating/Program.

On 22 February 2021 you signed a New Accession Training (NAT) Program Enlistment Guarantees (NAVCRUIT 1133/53) Annex "B" to DD Form 4 dated 9 December 2020 listing the following option: New Accession Training Information Systems Technician (NAT/IT) with class "A" School. Paragraph 3 stated: If, during the periodic reviews of my eligibility, I am found no

longer eligible for the options listed in Section 1b because of information I provided in my enlistment application; because of a physical or psychological disqualifications or because of some reason that is not due to my fault, negligence or conduct, I may choose one of the following options; a. If available, reclassification into another open NAT rating for which I am qualified. b. Elect entry-level separation from the Navy Reserve. c. In any event, the Navy Reserve may, at its option, choose to discharge me.

On 21 April 2021 you signed a New Accession Training (NAT) Program Enlistment Guarantees (NAVCRUIT 1133/53) Annex "C" to DD Form 4 dated 9 December 2020 listing the following option: New Accession Training Construction Electrician (NAT/CE) with class "A" School.

On 27 April 2021 your security investigation was completed and your Secret clearance was awarded on 17 May 2021.

You were released from active duty and transferred the Marine Corps Reserve with an honorable character of service and was issued a Certificate of Release or Discharge from Active duty (DD Form 214) for the period of 22 February 2021 to 1 September 2021 upon completion of required active service.

On 16 November 2021 Navy Personnel Command notified The Honorable ██████████ Member, U.S. House of Representatives that your concerns fall under the cognizance of the Commanding Officer, Navy Operational Support Center, ██████████. It is recommended that you submit a reconsideration package for your Top Secret clearance to the Commanding Officer, ██████████, ██████████ via. Commander, ██████████ ██████████

On 10 December 2021 the Commander, Navy Reserve Forces Command notified the Honorable ██████████ Member, U.S. House of Representatives that you drill at ██████████ ██████████ The Regional Security Manager and Regional Career Counselor at Navy Region Mid-Atlantic, ██████████ ██████████, reviewed your security clearance and enlistment documents. Top Secret security clearances are only completed for individuals whose rate or duties require Top Secret clearance. As you were found to be ineligible to serve as an IT and were not in a billet requiring a Top Secret clearance, he were not eligible to receive one. You can work with the Command Career Counselor at ██████████ and apply to re-rate as an IT if desired.

If you feel this is an unjust situation, you may petition the Board of Correction of Naval Records (BCNR). You may request assistance from BCNR regarding your asserting that you were improperly reclassified as a Construction Electrician and request to be reinstated as an IT and receive the bonus guaranteed by your original enlistment contract upon completion of A-School.

You requested that you be reinstated as an Information Systems Technician from your current rating of Construction Electrician and if granted, upon completion of IT "A" School, be awarded the enlistment bonus you were promised on enlistment. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your

assertion that you were reclassified in error. On 10 December 2021, Commander, Navy Reserve Forces Command notified Congressman [REDACTED] that you were found to be ineligible to serve as an IT and you were not in a billet requiring a Top Secret clearance, therefore, you were not eligible to receive one. The letter does not contain the reason(s) the Navy determined that you were ineligible to serve as an IT and you did not provide any evidence to show their decision was erroneous or unjust. It was also suggested that you work with the Command Career Counselor at [REDACTED] and apply to re-rate as an IT if desired. You provided no evidence that you have attempted to re-rate, as suggested, therefore, a change to your record is not warranted.

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,

2/22/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]