



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

[REDACTED]
Docket No. 1114-22
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G
(c) NAVADMIN 145/20

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 1430 PERS 8031/083 of 2 Mar 22
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to reinstate advancement to Construction Mechanic Second Class (CM2)/E-5 from the September 2019 (Cycle 244) Navy Wide Advancement Exam (NWAE).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 May 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), Commanding Officers and Officers-In-Charge must take the following action to withdraw a recommendation for advancement: Prepare a "Significant Problems" enlisted evaluation removing member's recommendation for advancement; notify Navy Education Training and Professional Development Center; and enter a NAVPERS 1070/613, Administrative Remarks for service record entry.

b. In accordance with reference (c), Sailors who were selected for advancement during NWAE Cycle 244 (September 2019) and had their advancement withheld due to failing one or more Physical Fitness Assessments (PFA) were required to pass a subsequent mock or official PFA. The exception to policy (ETP) guidelines outlined in reference (b), was permitted for these

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Sailors, but receipt of ETP was required to be received by 31 December 2020. The ETP would authorize these Sailors to be advanced past the 30 June 2020 limiting date for the Cycle. Request submitted after 31 December 2020 requires adjudication by the Board.

c. In September 2019, Petitioner participated in Cycle 244 NWAE and was selected for advancement to CM2/E-5.

d. Petitioner received a Special evaluation for the period of 16 June 2019 to 7 February 2020, removing recommendation for promotion and retention due to two consecutive PFA failures.

e. On 11 February 2020, [REDACTED] notified Navy Education Training and Professional Development Center of Petitioner's advancement recommendation for Cycle 244 was withdrawn as a result of two consecutive PFA failures.

f. Petitioner received a Periodic evaluation for the period of 8 February 2020 to 15 June 2020, recommending retention and advancement following passing PFA.

g. Petitioner received Periodic evaluation for the period of 16 June 2020 to 15 June 2021, with a "Must Promote" promotion recommendation and retention recommendation.

h. On 24 September 2021, Petitioner reported to [REDACTED] for duty,

i. Petitioner completed Body Composition Assessment on 13 October 2021 and Physical Readiness Test on 21 October 2021.

j. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner was unable to execute a mock of official PFA because of COVID-19 restrictions until October 2021. Based on Petitioner's evaluation ending 15 June 2020 and reference (c), the Board felt, under this circumstance, relief is warranted.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's advancement from the September 2019 (Cycle 244) NWAE is reinstated subsequent to Petitioner passing October 2021 PFA.

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Petitioner advanced to CM2/E-5 effective 16 June 2020 with a time in rate date of 1 January 2020.

Note: The change to the effective date of advancement to E-5 may also have affected Petitioner's E-6 advancement opportunity. If Petitioner was eligible for, but did not take the E-5 NWAE because the above change had not occurred, the following procedures will apply to remediate that missed opportunity. Petitioner should take the next available E-5 NWAE. Upon passing the examination, Petitioner should reapply to this Board for consideration of advancement to E-6 retroactive to the date, Petitioner would have been advanced on the "missed" examination cycle(s). Petitioner must submit a DD Form 149, with at least a copy of worksheet for the missed cycle(s), command endorsement/recommendation, and a copy of this letter. The Board will then determine whether the request will be approved.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

6/16/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]