



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

[REDACTED]
Docket No. 2171-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G

Encl: (1) DD Form 149 w/attachments
(2) NPC memo 1430 PERS 8031/121 of 29 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 compare the March 2019 (Cycle 243) Navy Wide Advancement Examination (NWAE) to the missed September 2018 (Cycle 240) NWAE and retroactive advancement for Machinist Mate-Weapons Third Class (MMW3)/E-4.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 April 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. On 12 April 2018, Petitioner reported to Pre-commissioned Unit (PCU) [REDACTED] for duty.

b. On 16 July 2018, Petitioner advanced to MMWFN/E-3.

c. In September 2018, Petitioner did not participate in the Cycle 240 NWAE due to no fault of his own; exam limiting date was 30 June 2019.

d. In March 2019, Petitioner participated in Cycle 243 NWAE and was selected for advancement to MMW3/E-4.

e. On 26 July 2019, Commanding Officer, PCU [REDACTED] submitted an exception to policy (ETP) indicating Petitioner was on temporary duty (TDY) to [REDACTED] and an exam was not available.

f. Petitioner advanced to MMW3/E-4 effective on 16 September 2019.

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g. Petitioner advanced to Torpedoman's Mate Second Class (TM2)/E-5 through Fleet advancement effective 1 March 2020.

h. 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. Petitioner met the basic eligibility criteria to participate in the September 2018 (Cycle 240) NWAE but did not participate as a result of being TDY and an exam not being available for him. Although Petitioner's Command submitted an ETP, the request was not submitted in accordance with the timeline prescribed in reference (b)¹, thereby rendering Petitioner ineligible for advancement. Although the proper administrative requirements were not completed, the Board felt that under these circumstances, relief is warranted.

RECOMMENDATION

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

Exception to policy authorized Petitioner's advancement to MMW3/E-4 effective "16 April 2019" vice "16 September 2019" with a TIR date of "1 January 2019" vice "1 July 2019." Note: After comparison, Petitioner's Final Multiple Score (FMS) for the September 2018 (Cycle 240) NWAE was 118.65; the minimum multiple required was of 99.80.

Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine retroactive pay and allowance entitlement.

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.

5/12/2022

[REDACTED]

Deputy Director

[REDACTED]

¹ In accordance with reference (b), Commanding Officers may request standard score comparison ETP no later than 6 months after the missed exams limiting date.