



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

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Docket No. 2861-22
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 31 August 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 Navy Personnel Command memorandum 1430 PERS 8031/253 of 15 July 2022, and your response to the opinion.

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 that your DD Form 214N, Armed Forces of the United States Report of Transfer or Discharge dated 13 December 1968 reflect the rank of Sonar Technician Second Class (STG2)/E-5 and receipt of the associated pay for STG2/E-5 and back pay for Sonar Technician Third Class (STG3)/E-4.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. Upon review of your record, the Board determined you enlisted in the Navy on 24 June 1965 in paygrade E-1. You advanced to E-2 effective 30 August 1965 and E-3 effective 22 March 1966 while assigned to the █ (█).

Thereafter, you rated as a Sonar Technician Seaman (STGSN)/E-3 on 12 September 1966. Additionally, on 12 September 1966, an administrative remarks entry was made in your record indicating, "When eligible in all respects, [you] may be advanced to STG3. Authority BUPERS INST 1430.14B. This authorization terminates 12 September 1967." On 7 October 1966, you advanced to STG3/E-4, however, the advancement was rescinded on 29 April 1967 specifying you were "...Incorrectly advanced to STG3." Furthermore, your Enlisted Performance Record reflects the first time you were recommended for advancement to STG3/E-4 was on 29 April 1967 and you subsequently advanced to STG3/E-4 effective 16 July 1967. On 13 December 1968, you transferred from active duty to the Navy Reserve. Although NAVPERS 601-14, Record of Discharge, Release from Active Duty or Death dated 13 December 1968 states that you passed the service wide examination for STG2/E-5, your separation occurred prior to the effective date of advancement and you did not participate in the Reserve Program, thereby ineligible for advancement to STG2/E-5 from that exam cycle.

The Board could not find, nor did you provide supporting documentation that you were eligible for automatic advancement to STG3/E-4 based upon earning first place in your service school. Moreover, your record does not contain evidence that you were recommended for advancement to STG3/E-4 prior to 29 April 1967. In this connection, the Board concurred with the comments contained in the advisory opinion.

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,

9/20/2022

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