

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 4026-22 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 10 May 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. In addition, the Board also considered the advisory opinion by Navy Personnel Command memorandum 1430 PERS 8031/162 of 4 April 2023, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

You requested your record be corrected to reflect Electrician's Mate Second Class (EM2)/E-5 or Electrician's Mate Third Class (EM3)/E-4 base on the Prior Service Reenlistment Eligibility-Reserve (PRISE-R) program. 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 you did not enlist in the Navy Reserve under the PRISE-R program in accordance with Military Personnel Manual Article 1133-061. Specifically, the PRISE-R program is a Reserve accession program that allows Navy Veterans (NAVETs) to enlist in the Selected Reserve into another available rating. Commander, Navy Recruiting Command Instruction 1130.8K provides the guidelines for accession of personnel who have prior active Navy service to include determining paygrade eligibility for NAVETs enlisting in the same rate. For those discharged over ten years, the paygrade will be two paygrades less than held at discharge.

A review of your record indicates you served on active duty from 28 March 2000 through 27 April 2004 and released from active duty as an EM2/E-5. You completed your military service obligation in the Individual Ready Reserve from 28 April 2004 through 27 October 2007

at which time you honorably discharged. On 1 October 2020, you signed "Reserve Reduction in Rate" NAVPERS 1070/613, Administrative Remarks indicating, "I voluntarily accept reduction in rate to pay E3 on this date to qualify for accession in the Navy Reserve." You enlisted in the Navy Reserve as an Electrician's Mate Fireman (EMFN)/E-3 on 16 October 2020 for a term of 2-years and signed CNAVRES 1226/4, Enlisted Application and Orders to a Naval Reserve Unit (Non-Obligor) acknowledging your rate as "EMFN." Subsequently, you advanced to EM3/E-4 effective 16 January 2023. The Board noted, that you may have been incorrectly gained as EM2/E-5 upon affiliating with the Navy Reserve in October 2020; however, your record and policy reflect, you should have been gained as EMFN/E-3. In this connection, the Board substantially 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.

