

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

> Docket No: 4227-22 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 19 July 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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.

The Board carefully considered your request for promotion to Chief Petty Officer (CPO/E-7). The Board considered your contention that you received two sets of identical numerical results under the Navigation section during your past four exams. You claim that the 2019 and 2020 test results were identical and the 2021 and 2022 test results were also identical. You assert that the results are mathematically impossible, thus the exam results reflect erroneous data.

The Board noted that according to the Navy Advancement Center, a raw score cut value is applied to each Navy-wide Advancement Examination (NWAE) rate to determine whether a candidate passed or failed to pass the NWAE. If a candidate's raw score or number of questions answered correctly falls below the applicable cut value, then the candidate "fails" to pass the NWAE and is eliminated from competition for advancement. The current raw score cut for a 175-item NWAE is 61 for an E-6 taking the E-7 exam, thus, you had to answer 61 questions

correctly to pass the exam. Based upon the available evidence, the Board determined that your raw scores from 2019 through 2022 were below 61, which resulted in your failed score. Therefore, the Board found no basis to recommend your promotion to E-7 based on your NWAE scores. Moreover, the Board found no evidence in your record that your test scores are erroneous and you provided no evidence with your application to support your conclusion that it is mathematically impossible for you to achieve the same score, in a single section of the NWAE, during two separate tests. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice with your reported E-7 NWAE scores. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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.

