



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

█
Docket No. 4727-22
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 11 April 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.

You requested advancement to Aviation Machinist's Mate First Class (AD1)/E-6. 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 in accordance with Bureau of Naval Personnel Instruction 1430.16D, "Frocking is an administrative authorization to assume the title and wear the uniform of a higher paygrade without entitlement to the pay and allowance of that grade." The policy further states, "Frocking does not change the permanent status of a member nor authorize payment of entitlements governed by statute or regulation and is subject to restrictions" as outlined in the instruction. Additionally, Chief of Naval Operations Instruction 1160.7B specified that high year tenure (HYT) for E-5 personnel was 22-years length of service (LOS) from pay entry base date (PEBD) and E-6 HYT was 24-years LOS.

A review of your records indicates your PEBD was 23 November 1977. You advanced to AD1/E-6 effective 16 January 1996. On 5 April 1997, you were found guilty at non-judicial punishment for violation of Article 92 and 134; Obstruction of Justice and Failure to Obey Order or Regulation; punishment imposed was reduction to next inferior pay grade [AD2/E-5]. In February 2000, you participated in the Cycle 066 Navy Wide Advancement Examination and

selected for advancement. However, you transferred to the Retired Reserve without pay effective 1 July 2000, prior to your scheduled date of advancement to AD1/E-6 effective 16 September 2000, thereby rendering you ineligible to received retired pay at the rank of AD1/E-6.

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,

4/19/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]