



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

██████████
Docket No. 5452-22
Ref: Signature Date

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████████████████████

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 21 March 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 as well as the 13 February 2023 Advisory Opinion (AO) provided by the Enlisted Career Progression Branch (PERS-803). Although you were afforded an opportunity to submit a rebuttal to the AO, you chose not to do so.

The Board carefully considered your request for advancement to Master Chief Petty Officer (MMCM/E-9) with an effective date of 1 August 1992. The Board considered your contentions that your four years as a Limited Duty Officer (LDO) satisfied the 3 year time in rate requirement for concurrent promotion to E-9 which should have occurred on 1 August 1992 and that your reversion from LDO back to enlisted status didn't occur until 1993.

The Board noted that on 1 August 1989 you were commissioned to the rank of Ensign as a Temporary Submarine Engineering/Repair LDO. You were promoted to Senior Chief Petty Officer (MMCS/E-8) concurrently in accordance with BUPERSINST 1430.16, the Advancement Manual for Enlisted Personnel of the U.S. Navy and U.S. Navy Reserve. However, on 17 April 1992, you were the subject of Nonjudicial Punishment for Violation of Articles 92 (Dereliction of Duty) and 134 (Altering a Public Record) of the Uniform Code of Military Justice. As a

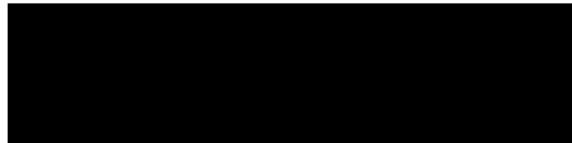
result, you were issued a Punitive Letter of Reprimand and subsequently reverted back to your highest enlisted rank held, MMCS/E-8. Ultimately, you were release from active duty on 30 September 1997 and transferred to the Fleet Reserve.

The Board, substantially concurred with the AO. In this regard, the Board noted that you did not meet the eligibility requirements to advance to MMCM/E-9. Specifically, the Board noted that you completed 2 years, 8 months, and 17 days as a temporary officer and thus did not meet the time in rate requirement of 3 years. Moreover, you only had 14 years of service at the time you were reverted back to enlisted status and did not meet the total active federal military service requirement of 19 years to be advanced to MMCM/E-9. The Board thus concluded that your request is lacking in substantial evidence of error or injustice. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

4/6/2023

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Executive Director

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