

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

> Docket No. 5537-22 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 9 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.

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 advancement to the rank of Personnelman Third Class (PN3)/E-4. 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 meet the criteria for advancement in accordance with Bureau of Naval Personnel Instruction 1430.16C. Specifically, the policy indicated one of the eligibility requirements for advancement is that Sailors must have "Successfully competed in a Navy-wide examination for advancement in rate or change in rating." A review of your record reflects you advanced to Seaman/E-3 effective 16 February 1986. On 24 June 1986, you were recommended for PN3/E-4 and participated in the September 1986 (Cycle 112) Navy Wide Advancement Examination (NWAE). Although you passed the examination, your final multiple score did not meet the minimum multiple required (MMR) score for advancement to PN3/E-4. Thereafter, from January through September 1987, you were found guilty at three non-judicial punishments and one special court-martial where you were

reduced in rank to Seaman Recruit/E-1. On 18 November 1987, you were not recommended for reenlistment and subsequently discharged on 7 March 1988. The Board could not find nor did you provide evidence of you participating in a NWAE and exceeding the MMR score for advancement to PN3/E-4.

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,