



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

██████████
Docket No. 6057-22
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 10 January 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 26 October 2022 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-312). The AO was provided to you on 12 November 2022, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

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 Pharmacist Mate Petty Officer First Class (PhM1/E-6). The Board considered your claim that during October 1945, while on board the ██████████, there were no doctors or higher ranking medical officers and there would not be any medical officers assigned to the ship for a while. You told the First Lieutenant (1stLt) that you were not qualified to continue with independent duties without a superior to take orders from, since you were only a PhM2, you would have to be a PhM1 to

perform independent duties. You also claim that the 1stLt said, "Ok, you are now a Pharmacist Mate 1st Class – continue with your duties." You acknowledged that you never received any paperwork for the promotion, just the 1stLt's word of honor.

The Board, however, determined there is insufficient evidence to support your request for promotion to PhM1. The Board noted that according to the AO, a review of your records was conducted and PERS-312 found no evidence of your promotion to PhM1. The Board also determined that there is no evidence of your commanding officer's recommendation for advancement or that you were eligible and met the requirements for promotion. The Board thus concluded that there is insufficient evidence of a probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

2/2/2023

