



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

█  
Docket No. 6092-22  
Ref: Signature Date



Dear Petitioner:

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.

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 7 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.

The Board carefully considered your request to modify the 5 January 2000 page 13 entry and documents related to your non-volunteer status to reflect that you were not physically qualified for aircrew duties. You also request to retain and be authorized to wear the naval aircrew breast insignia and consideration for promotion to E-8. You further request to remove the fitness report for the reporting period 16 September 2019 to 19 June 2020 and to replace it with a performance information memorandum (PIM) that explains your medical issues. If approved, you request to remove the 3 June 2018 Navy Personnel Command letter denying an E-8 review board. The Board considered your contentions that you reluctantly signed the page 13 entry. At that time, you were physically and mentally exhausted from little to no sleep or rest for weeks, and you were stressed. You also contend that block 41 of your contested fitness report is not appropriate nor truthful; the statement is vague and does not include accurate detail about the issues surrounding your non-volunteer or medical issues. You claim that you should be granted special consideration due to post traumatic stress disorder (PTSD) because you started having difficulty with personal relationships after returning from █. You also claim that this was the reason your command felt it was best to have you non-volunteer from flight duty, and your actions were

responsible during by notifying leadership of your issues, and by seeking medical and psychological counseling. As evidence, you furnished your medical records and Veterans Affairs documents.

The Board noted that the page 13 entry indicated that you were no longer a volunteer for duty involving flying. The Board also noted that you acknowledged the page 13 entry indicating that you fully understood that you will not be eligible for requalification in the aircrew program on this or subsequent enlistments, and you will be subject to reassignment. As a result, your commanding officer (CO) submitted correspondence to Navy Personnel Command recommending the revocation of your crewmember orders, the request was approved, and a general message was released removing your Navy Enlisted Classification 8237 and that you are not authorized to wear aircrew breast insignia. The Board determined that there is sufficient evidence that the removal of your flight crew insignia could have been for medical reasons, however, the basis for the change to your status is not considered a material error, and would not have changed the fact that you would not have been eligible to retain or wear the aircrew breast insignia. The Board also determined that your entitlement to wear the aircrew breast insignia was appropriately removed.

Concerning your request for promotion, the Board noted that you were properly considered and not selected for promotion during fiscal years 1998 through 2002. The Board also noted that you were not selected for promotion during the promotion selection boards the preceded the inclusion of your page 13 entry and fitness report in your record. The Board found no evidence that your non-volunteer air crewmember status or contested fitness report caused you to fail selection for promotion. The Board determined that promotion to E-8 is not warranted. According to the Advancement Manual for Enlisted Personnel of the Navy, advancements are determined by advancement selection boards, members serving in grades E-7, E-8, and E-9 are require to serve a minimum of two years of active duty in grade, and as a member of the Fleet Reserve you are not eligible for advancement consideration.

Concerning the contested block 41 statement, the Board noted that you acknowledged the contents of your fitness report and elected not to submit a statement. The Board determined that the statement appropriately described the facts known and observed by your reporting senior at that time. The Board also determined that you were afforded the opportunity to provide a statement to the record and to correspond with each promotion board to clarify any inconsistencies or inaccuracies and you failed to do so. The Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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.

Sincerely,

3/22/2023

[REDACTED]