



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

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Docket No. 6312-22
Ref: Signature Date

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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.

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 11 October 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.

You requested reinstatement to the rank Master Chief Petty Officer (MCPO)/E-9. 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 Military Personnel Manual Article 3855180 and Bureau of Naval Personnel Instruction 1430.16, you did not meet the criteria to maintain the rank of E-9 upon retirement. These policies specified advancement to MCPO/E-9 required the candidate to agree to remain on active duty for a minimum period of 2-years from advancement date, unless authorized a waiver.

A review of your record indicates you advanced to MCPO/E-9 effective 16 May 1975. On 28 August 1975 you voluntarily requested transfer to the Fleet Reserve effective 30 September 1975; the request was endorsed with remarks indicating your request for a waiver of 6 months in rate and "If request denied AVCM █ agrees to revert to ATCS to facilitate transfer to Fleet Reserve as requested." Chief of Naval Personnel approved your request to retire effective 30 September 1975, however, directed reduction in rate to ATCS/E-8 one day prior to your Fleet Reserve date. On 29 September 1975, NAVPERS 1070/610, Record of Personnel Actions was completed reducing you in rate "due to transfer to Fleet Reserve prior to completion of obligated

service requirement as E-9.” On 30 September 1975, you transferred to the Fleet Reserve after completing 4 months and 15 days in the rank of MCPO/E-9, thereby ineligible to retire as a MCPO/E-9.

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,

10/20/2022

