



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

█
Docket No. 6973-22
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO █
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Ref: (a) 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G

Encl: (1) DD Form 149 w/attachments
(2) NSIPS Awards Record
(3) N&MCAM Certificate, 2015
(4) NSIPS Promotion History
(5) N&MCAM Certificate, 2018
(6) N&MCAM Certificate, 2020
(7) Cycle 248 Exam Profile Data
(8) Evaluation ending 15 Mar 21
(9) Cycle 250 Exam Profile Data
(10) Cycle 251 Exam Profile Data
(11) █ (Gold) ltr 1430 Ser 740G/512, 18 Nov 21
(12) Submarine Squadron █ ltr 1430 Ser N00/267, 24 Nov 21
(13) Cycle 255 Exam Profile Data
(14) OPNAV N13 email to █ 29 Aug 22
(15) █ email, 5 Oct 22
(16) Submarine Squadron █ ltr 1430 Ser N00/375, 3 Nov 22

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to establish advancement to Sonar Technician Submarine First Class (STS1)/E-6 from the September 2020 (Cycle 248) Navy Wide Advancement Examination (NWAE).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 6 October 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), points are only given for awards approved or earned prior to the day of the regularly scheduled NWAE and the Navy and Marine Corps Achievement Medal (N&MCAM) is worth 2 awards points. Additionally, the policy specifies that Commanding Officers and Officer in

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Charge are authorized to submit exception to policy (ETP) requests within 6-months after the exams limiting date.

b. On 28 August 2015, Petitioner was awarded first N&MCAM for the period of September 2011 to August 2015. The award is reflected in Petitioner's electronic service record (ESR) and official military personnel file (OMPF). See enclosure (2) and (3).

c. On 16 December 2016, Petitioner advanced to Sonar Technician Submarine Second Class/E-5. See enclosure (4).

d. On 1 November 2018, Petitioner was awarded N&MCAM in lieu of second award for the period of November 2015 to October 2018. The award is reflected in Petitioner's ESR and OMPF. See enclosures (2) and (5).

e. On an unknown date, Petitioner was awarded N&MCAM in lieu of "4TH" award for the period of August 2019 to June 2020. Petitioner provided a signed copy of the certificate from Commanding Officer, [REDACTED] (Gold), however, a copy is not reflected in his ESR or OMPF. Additionally, there is no visible date of when the award was given. See enclosures (2) and (6).

f. In September 2020, Petitioner participated in Cycle 248 NWAE and passed not advanced with four (4) awards points annotated on exam profile data sheet. See enclosure (7).

g. On 23 February 2021, Petitioner issued Periodic NAVPERS 1616/26, Evaluation Report & Counseling Record (E1-E6) for period of report 16 March 2020 through 15 March 2021 indicating "Awarded Navy and Marine Corps Achievement Medal" during this period. The Executive Officer, [REDACTED], signed the evaluation. See enclosure (8).

h. In March 2021, Petitioner participated in Cycle 251 NWAE and passed not advanced with four (4) awards points annotated on exam profile data sheet. See enclosure (9).

i. In September 2021, Petitioner participated in Cycle 252 NWAE and passed not advanced with four (4) awards points annotated on exam profile data sheet. See enclosure (10).

j. On 18 November 2021, [REDACTED] (Gold) signed an ETP requesting approval to correct Petitioner's awards points for Cycle 248 and authorization to advance him from Director, Military Personnel Plans and Policy Division (OPNAV N13). The request was favorable endorsed by Submarine Squadron 20 on 24 November 2021. See enclosures (11) and (12).

k. In March 2022, Petitioner participated in Cycle 255 NWAE and passed not advanced with six (6) awards points annotated on exam profile data sheet. See enclosure (13).

l. On 26 August 2022, Submarine Group TEN followed up with OPNAV N13 on the status of ETP for Petitioner. OPNAV N13 responded on 29 August 2022 indicating "ETP RETURNED. NO ACTION" as result of the request being received beyond the ETP limiting date time. See enclosure (14).

m. On 5 October 2022, Naval Education and Training Professional Development Center provided manual calculation of September 2020 (Cycle 248) NWAE including six (6) awards points vice four (4); Petitioner's FMS exceeded the MMR for advancement to STS1/E-6. See enclosure (15).

n. On 3 November 2022, Submarine Squadron [REDACTED] corrected N&MCAM certificate to reflect Petitioner was awarded N&MCAM in lieu of Third award vice "4TH" and given on 10 June 2020. Additionally,

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[REDACTED]

Submarine Squadron [REDACTED] confirmed the corrected award was entered into Petitioner's Navy Department of Awards Web Service record. See enclosure (16).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner is entitled to the additional two awards points for the N&MCAM awarded prior to the September 2020 NWAE, bringing his total awards points to six vice four. Although the proper administrative requirements were not complete, the Board felt, under these circumstances, relief is warranted.

RECOMMENDATION

That the Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's Examination Profile Information and Exam Status sheet from the September 2020 (Cycle 248) NWAE is modified to read Awards is "6" vice "4" and FMS is "137.52" vice "135.52." Note: MMR for advancement to STS1/E-6 for Cycle 248 was 136.03.

Petitioner advanced to STS1/E-6 effective 16 June 2021 with a time in rate date of 1 January 2021.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

11/4/2022

[REDACTED]