



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

CRU
Docket No. 7998-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USNR, [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G

Encl: (1) DD Form 149 w/attachments
(2) Individual Profile, 29 Mar 16
(3) Certificate of Release or Discharge from Active Duty (DD 214), 13 Nov 15
(4) NAVPERS 1070/605 (History of Assignments)
(5) CO, [REDACTED] tr 1430 Ser N00/221, 29 Mar 16
(6) Advisory opinion by Branch Head (PERS-803), 9 Feb 23

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 by reinstating his rank to Chief Petty Officer (CPO) with an effective date based upon Cycle 226 selection results.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 March 2023 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 records, 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. During January 2015, Petitioner was selected for CPO during the Cycle 226 Navy Wide Advancement Exam with a prospective advancement date of 16 August 2016. Enclosure (2).

b. On 14 November 2015, Petitioner was honorably discharged from the Navy, and affiliated with the Naval Reserve on 2 February 2016. Enclosures (3) through (5).

c. In his application, Petitioner contends that he filed a request for advancement determination in accordance with reference (b), but his request was denied due to administrative errors. Enclosure (1).

d. An advisory opinion (AO), furnished by the Navy Personnel Command (PERS-803) for the Board's consideration recommended approval of Petitioner's request. The AO determined that Petitioner met the eligibility requirements for advancement determination. The AO concluded that upon approval,

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USNR, [REDACTED]

the Naval Education and Training Professional Development Center would revalidate Cycle 226 and provide an effective advancement date for PERS-8031 to update Petitioner's Enlisted Military File. Enclosure (6).

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (6), the Board finds the existence of an injustice warranting the following corrective action.

In this regard, the noted that according to reference (b), personnel who participated in a Navy-wide rating examination or were selected for advancement by a selection board during a tour of active duty and subsequently are released to inactive duty or discharged before the limiting date of advancement may be advanced if the individual satisfactorily participates as a member of a Navy Reserve drilling unit; affiliates or reenlistment in the Navy Reserve within 12 months of the date released from active duty; and submits a request for advancement determination within six months of the date of affiliation in the Navy Reserve. The Board determined that Petitioner affiliated with the Naval Reserves pursuant to reference (b) and is thus eligible for advancement determination.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by revalidating Petitioner's Cycle 226 profile sheet and advance him in rank to E-7 accordingly.

The Defense Finance and Accounting Service will conduct an audit to determine if Petition is due any pay or entitlements.

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/30/2023

[REDACTED]

Deputy Director

[REDACTED]