



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

█
Docket No. 8328-22
Ref: Signature Date

█
█

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 14 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 as well as the 18 January 2023, advisory opinion (AO) provided by the Navy Personnel Command (PERS-80). The AO was provided to you on 24 January 2023, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, and indicated your intent to submit one, you chose not to 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 recalculate your exam scores for advancement to E-7. The Board considered your statement that you took the E-7 exam over nine times with no success. You claim that you were informed that the Naval Orientation course was worth 30 additional points toward the cutting score to be promoted. In your email regarding the AO, you claim that you were informed that the course was not in your records.

The Board, however, substantially concurred with the AO. In this regard, the Board noted that according to the Advancement Manual for Enlisted Personnel of the U.S. Navy and U.S. Navy Reserve, enlisted advancements to the grades of E-7 and above are determined by advancement selection boards convened under the authority of the Chief of Naval Personnel. The Board also noted that according to your Enlisted Qualifications History, you completed the Naval Orientation course on 21 May 95. The Board found no evidence to support your claim that the Naval Orientation course is worth an additional 30 points and you provided none. The Board determined that there is no authority to advance you to E-7 without being considered and selected by an advancement selection board. Therefore, while the Board thanks you for your Honorable service to this country, they 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,

3/25/2023

█

Executive Director

Signed by: █