



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

Docket No. 8607-22
Ref: Signature Date

Dear [REDACTED],

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.

A three-member panel of the Board, sitting in executive session, considered your application on 25 April 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. In addition, the Board also considered the advisory opinion by Navy Personnel Command PERS-803 of 28 November 2022, which was previously provided to you. You were afforded an opportunity to submit a rebuttal, but did not do so.

The Board determined that your personal appearance, with or without counsel, would 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.

You requested advancement to [REDACTED] from the September 2021 (Cycle 252) Navy Wide Advancement Exam (NWAE). 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 you did not meet the criteria for reinstatement after a physical fitness assessment failure in accordance with Bureau of Naval Personnel Instruction 1430.16G and Chief of Naval Operations Instruction 6110.1J. A review of your record indicates that you participated in the September 2021 (Cycle 252) NWAE and selected for advancement to CTT2/E-5 effective 16 June 2022. However, on 17 November 2021, you received a "Physical Fitness Assessment Failure (PFA)" NAVPERS 1070/613, Administrative Remarks for your third body composition assessment failure within the past 3-

[REDACTED]

years; as a result, your advancement was withheld on 18 January 2022. On 15 March 2022, the [REDACTED] confirmed your passing of a mock PFA on 1 February 2022.

Thereafter, CO [REDACTED] frocked you on 5 May 2022. On 13 May 2022, [REDACTED] submitted the enlisted advancement worksheet and post-administrative comment to [REDACTED] to reinstate your promotion eligibility. [REDACTED] replied to [REDACTED] on 16 May 2022 and “directed ESO [Education Service Officer] to resubmit CO REINSTATEMENT with PG13 via [REDACTED] Discrepancies inbox;” no response was received. On 18 May 2022, you reported to [REDACTED] [REDACTED] for duty and subsequently failed Cycle 1-2022 PFA on 10 June 2022, prior to your impending 16 June 2022 advancement date. The limiting date for the September 2021 (Cycle 252) NWAE was 30 June 2022; rendering you ineligible for reinstatement after that date. In this connection, the Board concurred with the comments contained in the advisory opinion.

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,

5/4/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]