



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

[REDACTED]
Docket No. 8739-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN,
XXX-XX-[REDACTED] (RET)

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

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

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 her naval record be corrected to reflect retroactive advancement for Master-At-Arms Third Class (MA3)/E-4 from the September 2018 (Cycle 240) Navy Wide Advancement Examination (NWAE). Additionally, Petitioner request acknowledgment of the lapse in advancement from E-4 to E-5.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 May 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 record, and applicable statutes, regulations, and policies, to include reference (b).¹

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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 6 October 2016, Petitioner transferred to [REDACTED] for duty.

b. On 16 March 2017, Petitioner advanced to Master-At-Arms Seaman/E-3, and on 28 March 2017 a Tier 3 investigation was completed on Petitioner.

¹ Reference (b), candidates in a rating requiring a security clearance must have a favorable investigation adjudication issued by the Department of Defense Central Adjudication Facility (DODCAF), and it must be reflected properly in Joint Personnel Adjudication System (JPAS) prior to the first day of the month of the regularly scheduled NWAE for E-4 through E-6 candidates. If the candidate's Commanding Officer grants an interim clearance, JPAS must also be updated prior to the first day of the month of the regularly scheduled NWAE for E-4 through E-6 candidates. Additionally, Commanding Officers may request standard score comparison exception to policy no later than 6 months after the missed exams limiting date.

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c. Petitioner participated in Cycles 236 and 239 NWAE and they were invalidated due to no security clearance.

d. Petitioner issued a Periodic evaluation for the period of 16 July 2017 to 15 July 2018 and received an Early Promote promotion recommendation.

e. Petitioner participated in Cycles 240 and 243 NWAE and they were invalidated due to no security clearance.

f. On 11 June 2019, Petitioner issued NAVPERS 1070/613, Administrative Remarks indicating, "11JUN19: Authorized advancement to MA3 withheld this date due to failure to maintain security clearance eligibility as required for assigned rate."

g. On 13 June 2019, [REDACTED] notified Naval Education and Training Professional Development Center (NETPDC) "Due to failure to maintain security clearance eligibility as required for assigned rate, CO has withheld Cycle 243 ADV to MA3."

h. Petitioner issued a Periodic evaluation for the period of 16 July 2018 to 15 July 2019 and received an Early Promote promotion recommendation.

i. In March 2020, Petitioner participated in Cycle 247 NWAE and was selected for advancement to MA3/E-4.

j. On 10 March 2020, Petitioner's security clearance investigation was adjudicated with a determination of favorable by DODCAF.

k. On 11 March 2020, Petitioner signed a non-disclosure agreement.

l. Petitioner issued a Periodic evaluation for the period of 16 July 2019 to 15 July 2020 and received an Early Promote promotion recommendation.

m. Petitioner advanced to MA3/E-4 effective 16 July 2020.

n. Petitioner issued a Special evaluation for the period of 16 July 2020 to 28 February 2021 and received an Early Promote promotion recommendation.

o. On 7 May 2021, Petitioner's adjudicated secret clearance was finalized.

p. In March 2022, Petitioner participated in Cycle 255 NWAE and was selected for advancement to MA2/E-5 effective 16 December 2022.

q. Petitioner transferred to Permanent Disability Retired List effective 27 January 2023.

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 that Petitioner met the criteria for advancement to HM3/E-4 from the Cycle 240 NWAE. However, the lengthy processing

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of Petitioner's security clearance coupled with not receiving an interim clearance from the Commanding Officer invalidated her exams. The Board noted Petitioner's evaluation reports that specified part of her duties included "Augments physical security for commands directly supporting the President and Vice-President of the United States" and issued Early Promote promotion recommendations indicates there was an administrative error in not issuing an interim security clearance to execute the duties outlined in the evaluations. Additionally, there is no evidence in Petitioner's official military personnel file or annotations on evaluations that validate her "failure to maintain security clearance." The Board received confirmation from NETPDC stating that without the security clearance issues, Petitioner's final multiple score (FMS) exceeded the minimum multiple required (MMR) for advancement from Cycle 240 NWAE. Conversely, Petitioner did not receive E-4 evaluations to create performance mark averages to be eligible for prior E-5 examinations. Therefore, under these circumstances, an exception to policy is warranted to retroactively promote Petitioner to MA3/E-4 from the Cycle 240 NWAE.

RECOMMENDATION

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

Petitioner's Examination Profile Information and Exam Status sheet from the September 2018 (Cycle 240) NWAE is amended to reflect Final Status: "Selected" vice "BUPERS INVALID." Note: Petitioner's FMS of 114.40 exceed the MMR of 97.56 for Cycle 240.

Petitioner advanced to MA3/E-4 effective "16 April 2019" vice "16 July 2020" with time in rate date of "1 January 2019" vice "1 July 2020."

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine retroactive pay and allowances entitlement.

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.

5/12/2023

