



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

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Docket No. 39-23
Ref: Signature Date

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Dear Petitioner:

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 applications on 18 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the Advisory Opinion (AO) provided by the navy Personnel Command (NPC) (PERS-833). Although you were afforded an opportunity to submit a rebuttal to the AO, you chose not to do so.

The Board carefully considered your request to promote you to Chief Petty Officer (CPO)/E-7. The Board considered your contentions that the advancement was withheld due to your security clearance being denied, but your rate does not require a security clearance, and the promotion should never have been denied. You assert you were not able to seek legal advice due to being forward deployed on board █ and COVID-19 restrictions. You provided as evidence, the NPC memorandum notifying your advancement was under review, the Chief of Naval Personnel (CNP) memorandum disapproving your advancement, excerpt of the Advancement Manual, and copies of your previous Evaluation Report & Counseling Records.

The Board, however, substantially concurred with the AO. In this regard, the Board determined that there was no error in the action taken by your command to withhold your advancement due to the discovery of adverse or reportable information after adjournment of the Fiscal Year 2021 Active Duty Navy CPO Selection Board. The Board noted you were notified on 18 November 2020 by NPC and you acknowledged the withholding of your advancement on 9 December 2020. The Board further noted that upon acknowledgement of your withholding, you chose not

to submit a statement regarding this action. The Board further determined that based on the evidence provided, the decision made by NPC and CNP was in accordance with BUPERINST 1430.16G (Advancement Manual for Enlisted Personnel of the U.S. Navy and U.S. Navy Reserve). The Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy, or injustice warranting your promotion to the rank of CPO/E-7. 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,

5/5/2023

