

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

> Docket No. 334-23 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 4 May 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 considered the advisory opinion contained in Navy Personnel Command (NPC) letter of 27 February 2023 and NPC memorandum of 14 March 2023 and your response to the opinions.

You requested correction of your DD Form 214N, Report of Separation from Active Duty dated 10 January 1977 to include: Submarine Qualification, Humanitarian Service Medal, advancement to Yeoman Second Class (YN2)/E-5, and retirement pay consideration. 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 NPC issued you a DD Form 215, Correction to DD Form 214, Certificate of Release or Discharge from Active Duty dated 14 March 2023 reflecting "Battle Efficiency Award, National Defense Service Medal, Humanitarian Service Medal (w/ 1 Bronze Star), Sea Service Deployment Ribbon, and Submarine Breast Insignia;" therefore, no action was required of the Board.

Regarding your request for advancement to YN2/E-5, the Board determined the minimum service requirement for advancement from E-4 to E-5 was 12 months in paygrade E-4 in accordance with Bureau of Naval Personnel Instruction 1430.16. Your record indicates you

advanced to Yeoman Third Class (YN3)/E-4 effective 16 May 1976. The Board noted that you did not have 12-months in paygrade E-4 and could not find, nor did you provided sufficient evidence to reflect you were advanced to YN2/E-5 prior to your transfer to the Temporary Disability Retired List effective 11 January 1977. Moreover, by signing the DD Form 214N, you acknowledged your pay grade as YN3/E-4. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

Your request for retirement pay consideration was transferred to the Physical Disability Section and issued Docket Number . This matter will be reviewed and adjudicated by a separate Board at a later date.

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,