



**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. 2780-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN,  
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Ref: (a) Title 10 U.S.C. § 1552  
(b) BUPERSINST 1430.16G  
(c) NAVADMIN 185/19  
(d) MILPERSMAN 1510-030  
(e) NAVADMIN 313/18

Encl: (1) DD Form 149 w/attachments  
(2) DD Form 4, DD Form 4, Enlistment/Reenlistment Documents, 16 Apr 18  
(3) NAVCRUIT 1133/52, Enlistment Guarantees, 20 Aug 18  
(4) NAVPERS 1070/621, Agreement to Extend Enlistment, 20 Aug 18  
(5) Member Data Summary  
(6) History of Assignments  
(7) Training History  
(8) BUPERS Order: 1689, 17 Jun 19  
(9) Electricians Mate-Nuclear Completion Certificate, 28 Jun 19  
(10) NAVPERS 1616/26, Evaluation Report & Counseling Record (E1 - E6), 12 Jul 19  
(11) DD Form 214, Certificate of Release or Discharge from Active Duty, 30 Jun 20  
(12) Superintendent, █ ltr, 12 Aug 22  
(13) NAVPERS 1070/613, Administrative Remarks, 12 Aug 22  
(14) DD Form 214, Certificate of Release or Discharge from Active Duty, 1 Aug 22  
(15) Professional Military Knowledge Eligibility Exam for E4 Certificate, 27 Dec 22  
(16) Commanding Officer, █ ltr, 3 Jan 23  
(17) BCNR Docket No. 8166-22  
(18) Commanding Officer, █ ltr, 17 Mar 23  
(19) Petty Officer Indoctrination Course Certificate, 21 Jun 19  
(20) Advisory Opinion by PERS-803, 5 Jul 23  
(21) Petitioner email, 6 Jul 23  
(22) Commanding Officer, █ ltr, 5 Jul 23  
(23) PERS-8031 email, 17 Jul 23  
(24) Advisory Opinion Rebuttal Statement by Petitioner, 20 Jul 23

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 his naval

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[REDACTED]

record be corrected to establish retroactive advancement to Electricians Mate-Nuclear Power Third Class (EMN3)/E-4.

2. The Board, reviewed Petitioner's allegations of error and injustice on 17 August 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 enclosures (1) through (24), relevant portions of Petitioner's naval records, and applicable statutes, regulations and policies.

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

a. On 16 April 2018, Petitioner enlisted in the Naval Reserve for a term of 8 years of which 4 years was considered an active duty obligation. Petitioner's enlistment guarantees listed Nuclear Field (NF 6YO) Program that required a voluntary extension of 24 months with a enlistment bonus of \$20,000 and enlistment bonus for Recruit Training Command Physical Fitness Assessment (RTC PFA) of \$2,000. Enclosures (2) and (3).

b. On 20 August 2018, Petitioner signed an agreement to extend enlistment for a term of 24 months to incur the obligated service for the Nuclear Field Program. Enclosure (4).

c. On 20 September 2018, Petitioner entered active duty in pay grade E-3 with a time-in-rate (TIR) date of 1 October 2018. Enclosures (2) and (5).

d. On 18 November 2018, Petitioner reported to [REDACTED], [REDACTED], [REDACTED] as a student on duty under instruction (DUIN) and completed prescribed course on 13 June 2019. Enclosures (6) and (7).

e. On 17 June 2019, Petitioner issued BUPERS Order: 1689 (Official Change Duty Orders) to [REDACTED] ([REDACTED]) as a student. Orders directed Petitioner to report not later than 13 July 2019 for class 90101 convening on 15 July 2019 and graduating on 11 May 2020. Enclosure (8).

f. On 28 June 2019, Petitioner issued certificate for completion of prescribed course of instruction for "Electrician's Mate." Enclosure (9).

g. On 12 July 2019, Petitioner detached [REDACTED], [REDACTED], [REDACTED] and reported to [REDACTED] as a student for [REDACTED]. Petitioner was issued a detachment evaluation for the period of 17 November 2018 to 12 July 2019. The evaluation listed Petitioner's rate as FN (E-3) and indicated completion Petty Officer Indoctrination (1-week). Enclosures (6) and (10).

h. On 30 June 2020, Petitioner released from active duty for enrollment in Service Academy. DD Form 214, Certificate of Release or Discharge from Active Duty reflect Petitioner was a Fireman/E-3 effective 20 September 2018. Enclosure (11).

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i. On 1 August 2022, Petitioner was discharged from the Naval Academy and directed to complete prior active duty service obligation. Petitioner was issued a NAVPERS 1070/613 (Administrative Remarks) indicating “Per MILPERSMAN [Military Personnel Manual] 1531-020, authorized to enter active duty in pay grade E-3.” Petitioner issued DD Form 214 for active duty service period of 1 July 2020 to 1 August 2022. Enclosures (12) through (14).

j. On 31 August 2022, Petitioner detached [REDACTED] and reported to [REDACTED] for temporary duty on 1 September 2022. Enclosure (6).

k. On 27 December 2022, Petitioner completed Professional Military Knowledge Eligibility Exam (PMK-EE) for E4. Enclosure (15).

l. On 3 January 2023, Commanding Officer, [REDACTED] ([REDACTED]) advised the Board and PERS-8031 “[REDACTED] graduated [REDACTED] on 28 June 2019. Per reference (a) [MILPERSMAN 1510-030], [REDACTED] is eligible for advancement to E-4 on 16 July 2019.” Enclosure (16).

m. On 12 January 2023, the Board denied Petitioner’s initial request for advancement to EMN3/E-4 following graduation of [REDACTED] due to no evidence of completing Petty Officer Selectee Leadership Course (POSLC) as required by reference (b). Enclosure (17).

n. On 17 March 2023, Commanding Officer, [REDACTED] advised the Board and PERS-8031 “[REDACTED] on 28 June 2019. He completed [REDACTED] on 21 June 2019. The course number was H-570-4503. Per reference (a), [REDACTED] is eligible for advancement.” Enclosure (18).

o. On 23 March 2023, Petitioner requested reconsideration of Docket No. 8166-22 and provided 21 June 2019 Certificate of Completion for Petty Officer Indoctrination Course and NNPTC Eligibility for Advancement letter. Enclosures (1), (18), and (19).

p. On 5 July 2023, PERS-803 provided an unfavorable advisory opinion to enclosure (1). PERS-803 recommended disapproval indicating “Member did not meet the final requirement until 27 December 2022 (PMK-EE). This would be the effective date of advancement, with a TIR of 1 July 2022, if approved.” Enclosure (20).

q. On 6 July 2023, Petitioner provided the Board with 21 June 2019 Certificate of Completion of Petty Officer Indoctrination Course and an updated NNPTC Eligibility for Advancement letter dated 5 July 2023. Enclosures (19), (21), and (22).

r. On 17 July 2023, PERS-8031 was provided Petitioner’s 21 June 2019 Certificate of Completion of Petty Officer Indoctrination Course and NNPTC Eligibility for Advancement letter dated 5 July 2023. Additionally, PERS-8031 was reminded of the requirement for PMK-EE was not a requirement until 1 September 2019. PERS-8031 responded that they still recommend disapproval. Enclosure (23).

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[REDACTED]

s. On 19 July 2023, Petitioner was provided a copy of PERS-803 advisory opinion for an opportunity to provide additional documentation or statement. Petitioner responded on 20 July 2023 stating PMK-EE was not a requirement for advancement for him in accordance with reference (e). Additionally, Petitioner reiterated his request for the Board to cancel his 24-month extension if denied retroactive advancement to EMN3/E-4. Enclosure (24).

## CONCLUSION

Upon review and consideration of all the evidence of record, and despite the contents of the advisory opinion, the Board found Petitioner's request warrants favorable corrective action. In this regard, the Board concluded the evaluation entry indicating completion of the Petty Officer Indoctrination Course and NNPTC Eligibility for Advancement letter dated 5 July 2023 provided sufficient evidence of Petitioner meet the eligibility criteria for advancement in accordance with references (b)<sup>1</sup> and (d).<sup>2</sup> Additionally, the Board noted Petitioner was not required to complete PMK-EE for E-4 to advance to EMN3/E-4 per reference (e).<sup>3</sup> Therefore, the Board agreed that under these circumstances, relief is warranted.

## RECOMMENDATION

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

Petitioner advanced to EMN3/E-4 effective "15 July 2019" with a TIR date of 1 July 2019.

Note: The change to the effective date of advancement to E-4 may also have affected Petitioner's E-5 advancement opportunity. If Petitioner was eligible for, but did not take the E-5 NWAE because the above change had not occurred, the following procedures will apply to remediate that missed opportunity. Petitioner should take the next available E-5 NWAE. Upon passing the examination, Petitioner should reapply to this Board for consideration of advancement to E-5 retroactive to the date, Petitioner would have been advanced on the "missed" examination cycle(s). Petitioner must submit a DD Form 149, with at least a copy of worksheet for the missed cycle(s), command endorsement/recommendation, and a copy of this letter. The Board will then determine whether the request will be approved.

That a copy of this report of proceedings 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.

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<sup>1</sup> Reference (b), the EMN rating is an accelerated advancement rating and the associated E-4 advancement exam is eliminated. Additionally, the policy required completion of Petty Officer Selectee Leadership Course (POSLC) prior to frocking or advancement. Reference (c) cancelled POSLC and replaced with requirements for the Foundational Leader Development Course.

<sup>2</sup> Reference (d), personnel are authorized guaranteed advancement to E-4 after successfully completing "A" school or advanced training (when applicable) after serving 6 months TIR as an E-3 and all requirements for advancement in rate are completed.

<sup>3</sup> Reference (e) mandated Sailors eligible for advancement to E-4 upon completion of an "A" school, must successfully complete the Professional Military PMK-EE prior to advancement commencing 1 September 2019.

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5. The foregoing action of the Board is submitted for your review and action.

9/6/2023

[REDACTED]

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

9/6/2023

[REDACTED]