



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

[REDACTED]
Docket No. 3008-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN, [REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) COMNAVCRUITCOMINST 1650.3 (series)

Encl: (1) DD Form 149 w/attachments
(2) Advisory opinion by NRC, 18 May 23
(3) 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 authorization for accession in paygrade Seaman/E-3 for two Delayed Entry Program (DEP) referrals.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 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.

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 31 May 2022, Navy Talent Acquisition Group [REDACTED], [REDACTED] issued NAVPERS 1070/613, Administrative Remarks indicating, Petitioner "Authorized advancement to paygrade E-3 effective 31 May 2022 having referred for Naval Service to a Navy recruiter 2 individual who enlisted in a USN or USNR program, including DEP who will access within 12 months." Additionally, Petitioner was also issued a "Certificate of Promotion" to the rate of Seaman the same day.

b. On 1 June 2022, Petitioner entered active duty in paygrade E-1, and reported to his first permanent duty station, [REDACTED] ([REDACTED]) on 22 November 2022. Petitioner advanced to Retail Services Specialist Seaman Apprentice (RSSA)/E-3 effective 16 March 2023.

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c. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner met the eligibility criteria for accession in paygrade E-3 in accordance with reference (b).¹ Therefore, the Board agreed, under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner entered active duty on 1 June 2022 in paygrade "E-3" vice "E-1."

Note: The change to the effective date of advancement to E-3 may also have affected Petitioner's E-4 advancement opportunity. If Petitioner was eligible for, but did not take the E-4 Navy Wide Advancement Exam (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-4 NWAE. Upon passing the examination, Petitioner should reapply to this Board for consideration of advancement to E-4 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.

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.

6/9/2023

[REDACTED]

¹ Reference (b), Navy future Sailors that refer two enlisted Nuclear Field or Warrior Challenge contracts, are eligible for advancement to E-3.