



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

██████████
Docket No. 3382-23
Ref: Signature Date

██████████
██
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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.

A three-member panel of the Board, sitting in executive session, considered your application on 28 September 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 by the ██████████ ██████████ of 7 August 2023, which was previously provided to you for comment.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 9 July 2021, you signed an ██████████ Program Service Agreement (NAVCRUIT 1131/105). You acknowledged that upon completion of all requirements, you shall accept appointment as an Officer in the United States Navy in the grade of Ensign with designation as an ██████████ if such commission is tendered to you, and upon acceptance, will be discharged from your enlisted status.

On 9 July 2021, you enlisted in the Naval Reserve for 8 years with an expiration of obligated service of 8 July 2029. The additional details of my enlistment/reenlistment are in Section C and Annex(s): ██████████.

On 12 November 2021, you graduated from ██████████.

On 6 January 2022, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/4) in the active Navy as an Ensign a date of rank of 4 January 2022 with a designator code of 1390 (unrestricted line officer who is in training for duty involving flying as a pilot).

On 12 January 2022, you were issued official new appointment orders (BUPERS order: [REDACTED]) while residing at OTC [REDACTED], [REDACTED]. Your ultimate activity was [REDACTED], [REDACTED], [REDACTED] for duty under instruction in a flying status involving flying with an effective date of arrival of March 2022.

You requested official change of your commissioning date from 6 January 2022 to 12 November 2021 with \$3,199.23 back pay due to that change. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that your official military personnel file did not contain information to support your contention that your NAPERS 1000/4 (Official Appointment Acceptance and Oath of Office) executed on 6 January 2022 was delayed due to administrative error or injustice. Due to the lack of documented evidence to support your claim, the Board relied heavily on the [REDACTED] advisory opinion. According to the advisory opinion you stated that you were one of several members from your Officer Candidate School graduating class who did not receive a commission upon graduation due to medical conditions or incomplete medical certifications. Furthermore, your medical readiness was not certified by the Navy until late December 2021 or early January 2022. In accordance with NAVCRUIT 1131/105 you acknowledged that upon completion of all requirements, you shall accept appointment as an Officer in the United States Navy in the grade of Ensign with designation as an Aviation Officer Candidate (1390) if such commission is tendered to you. The Board determined that you were offered a commission once all requirements were met and that those requirements were not met until 6 January 2022. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

10/2/2023

[REDACTED]