



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. 5065-23
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.

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 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.

You requested advancement to E-4 with associated back pay and potential advancement to E-5 given your service time. 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 Bureau of Naval Personnel Instruction 1430.16D outlines the requirements for advancement. Specifically, time-in-rate from E-4 to E-5 is 12 months and generally advancement in the petty officer ranks requires participation in and passing of a Navy Wide Advancement Exam (NWAE).

A review of your record indicates you enlisted in the Naval Reserve on 30 December 1988 for a term of 8 years with a requirement to complete 4 years on active duty. You entered active duty on 11 September 1989 and advanced to OTA3/E-4 effective 16 December 1991 with a time-in-rate date of 1 July 1991. Thereafter, on 25 September 1992, you were honorably released from active duty and transferred to the Navy Reserve to complete your military service obligation. Upon completing of your service obligation, you were honorably discharged from the Navy Reserve on 29 December 1996. However, the Board could not find nor did you provide evidence of you participating in or passing an OTA2/E-5 NWAE and time in service alone does not entitle a Sailor to advance to the next paygrade. The Board also noted there is no evidence to support

your assertions of delay in advancement or derogatory information in your naval record. Therefore, the Board agreed a change to your record is not warranted.

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,

10/12/2023

