



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. 6275-23
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 2 November 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 memorandum 1430 PERS 8031/311 of 15 August 2023, which was previously provided to you for comment.

You requested “reinstatement of rank due to maintaining Navy standards in addition to advancement through navy wide advancement exam cycle 252” (September 2021). 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 (BUPERSINST)1430.16G indicates the Commanding Officer/Officer-In-Charge may withhold a member’s authorized advancement up to the limiting date for the respective advancement cycle. However, failure to reinstate a previously withheld advancement prior to the limiting date for the advancement cycle will terminate the member’s selection. The limiting date for the September advancement cycle is 30 June of the next year. Navy Administrative (NAVADMIN) message 042/23 promulgated with a PFA [Physical Fitness Assessment] Reset to Zero Fact Sheet that provided amplifying direction. The Fact Sheet specifies “Commanding officers retain the inherent authority to recommend (or no recommend) Sailors for advancement and retention, and this includes the authority to refuse to recommend advancement or retention for Sailors not progressing in meeting physical fitness requirements. But it is no longer

mandatory for commanding officers to pull their recommendation for advancement or retention due to physical fitness failures.”

The Board could not find, nor did you provide evidence that your Commanding Officer reinstated your withheld advancement prior to Cycle 252 limiting date of 30 June 2022 per BUPERSINST 1430.16G or under the guidance of NAVADMIN 042/23. Therefore, the Board determined a change to your record is not warranted. 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,

11/13/2023

