



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

██████████
Docket No. 6370-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) MILPERSMAN 1510-030

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NRC, 17 Jan 24
(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 his naval record be corrected to reflect advancement to Electronics Technician Nuclear Third Class (ETN3)/E-4 effective 16 August 2022 and reduction in rate (RIR) to ETNFN/E-3 effective 15 December 2022.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 25 January 2024 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, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), personnel are authorized guaranteed advancement to E-4 after successfully completing "A" school or advanced training required to attain rating designation and after serving 6-months time-in-rate (TIR) as an E-3. Additionally, the following must be completed or obtained prior to advancement to E-4: all requirement completed for advancement in rate; performance appraisal review; and Commanding Officer's recommendation.

b. On 23 April 2021, Petitioner enlisted in the Naval Reserve in paygrade E-1 for 8-years of which 4-years is an active duty obligation.

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

- c. On 11 June 2021, Petitioner issued Secret clearance.
- d. On 4 November 2021, Petitioner entered active duty in pay grade E-3 and signed NAVPERS 1070/621, Agreement to Extend Enlistment for 24 months to incur obligation for "Training in the Nuclear Field. MILPERSMAN 1510-030 and MILPERSMAN 1306-500, 1306-502, ad 1306-504 (NF) are governing directives. Advancement to Rate and Grade per MILPERSMAN 1430-010."
- e. On 23 May 2022, Petitioner completed Professional Military Knowledge Eligibility Exam (PMK-EE) for E-4.
- f. On 22 July 2022, Petitioner completed ET Nuclear Field Class A School.
- g. Petitioner issued Special evaluation for the period of report from 15 January 2022 to 22 July 2022 with Promotable promotion recommendation and recommended for retention.
- h. On 23 August 2022, Petitioner completed PMK-EE for E-5.
- i. On 15 December 2022, Petitioner found guilty at non-judicial punishment for violation of Article 134 – Disorderly Conduct. Awarded restriction/extra duties for 18 days (suspended for 180 days) RIR to next inferior pay grade and oral reprimand.
- j. Petitioner issued Special evaluation for the period of report from 23 July 2022 to 15 December 2022 with Significant Problems promotion recommendation and recommended for retention.
- k. On 1 January 2024, Petitioner advanced to ETN3/E-4.
- l. 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 was not advanced to ETN3/E-4 in accordance with reference (b), resulting in RIR to ETNFA/E-2. The Board determined Petitioner should have been advanced to ETN3/E-4 effective 16 August 2022, and thereafter, RIR to ETNFN/E-3 effective 15 December 2022. Therefore, the Board determined that under these circumstances, relief is warranted.

RECOMMENDATION

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

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

Petitioner advanced to ETN3/E-4 effective 16 August 2022 with time in rate date of 1 July 2022.

Petitioner RIR from “E-4 to E-3” vice “E-3 to E-2” effective 15 December 2022.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner’s pay records to determine retroactive pay and allowances entitlement.

A copy of this Report of Proceedings will 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.

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.

2/9/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]