



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

██████████
Docket No. 9747-23
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 27 February 2024. 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 letter 5420 PERS-8 of 23 January 2024, 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.

You requested promotion to Lieutenant (LT)/O-3E on the Retired List and retroactive pay. 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 in accordance with Title 10 U.S.C § 6151 each member, when retired, be advanced on the Retired List to the highest officer grade in which he served satisfactorily under a temporary appointment as determined by the Secretary of the Navy.

A review of your record reflects that you were temporarily appointed to Ensign/O-1E on 1 June 1982 after serving 16 years, 11 months, and 20 days of prior active duty service. Thereafter, you

promoted to Lieutenant Junior Grade (LTJG)/O-2E effective 1 June 1984. On 5 February 1985, you were issued BUPERS Order: 0365 (Separation Order) with special instructions that specified "Effective upon release from active duty, temporary status will terminate. [Commanding Officer] of activity at which member separated directed to effect transfer to Fleet Reserve in accordance with instructions contained in authorization for transfers to U.S. Naval Fleet Reserve concurrent with termination of temporary appointment." You transferred to the Fleet Reserve and reverted from LTJG/O-2E to Data Systems Technician Master Chief/E-9 effective 1 October 1985 as outlined in your separation orders, due to being a temporary commissioned officer (Limited Duty Officer). On 7 November 1995, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved your transfer to the Retired List effective 1 July 1995 in the rank of LTJG/O-2E by reason of "Fleet Reservist upon completion of 30 years of service." The Board could not find, nor did you provide evidence of promoting to LT/O-3E prior to your transfer to the Fleet Reserve, thereby ineligible for promotion to the higher grade of LT/O-3E. In this connection, the Board substantially concurred with the comments contained in the advisory opinion and determined that 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,

3/6/2024

