



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. 10452-23
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 21 December 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.

The Board carefully considered your request for advancement to E-8. The Board considered your contention that you received the 29 May “1988”¹ Retirement Order and Authorization for Transfer from the Fleet Reserve to the Retire List during September 2021. You claim that you were filling an Officer Recruiting billet as an enlisted member and according to paragraph one of the Important Notice Advancement on the Retired List, if you served satisfactorily in a higher rank or grade, you are eligible for advancement to the highest enlisted grade. You also claim that your title was Medical Officer Recruiter.

The Board, however determined that advancement to E-8 is not warranted in accordance with BUPERS Instruction 1430.16F. In this regard, the Board found no evidence that you met the requirements for promotion provided in the regulation and you provided none. The Board noted that advancement to the next higher grade requires your record to be screened by the appropriate promotion selection board and you had to be selected for promotion by that promotion board. The Board determined that you have conflated the statement “served” in a warrant/commissioned officer or higher enlisted grade . . . with being “promoted to” and “serving in” a higher grade

¹ Retirement Order reflect 29 May 1998.

than is indicated on your Certificate of Retirement. The Board acknowledged and appreciates your years of service in the Navy, however the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

12/29/2023

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