



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

[REDACTED]
Docket No. 176-24
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) 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 Electrician's Mate Nuclear Third Class (EMN3)/E-4 effective 16 October 2022 and reduction in rate (RIR) to ETFN/E-3 effective 22 November 2022.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 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 25 May 2021, Petitioner enlisted in the Naval Reserve in paygrade E-1 for 8 years of which 4 years is an active duty obligation.

c. On 17 August 2021, Petitioner issued Secret clearance.

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d. On 4 January 2022, 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 (NF 6YO) Program and advancement to paygrade E-4 per MILPERSMAN Articles 1160-040 and 1510-030.”

e. On 1 March 2022, Petitioner was assigned Navy Enlisted Classification code N91T - Nuclear Propulsion Plant Operator Trainee.

f. On 6 July 2022, Petitioner completed Professional Military Knowledge Eligibility Exam for E-4.

g. On 7 October 2022, Petitioner completed Electrician’s Mate Nuclear Field “A” school. Petitioner issued Special evaluation for period of report from 19 March 2022 to 7 October 2022 with a Promotable promotion recommendation and recommended for retention.

h. Director of Nuclear Field “A” School issued Petitioner Certificate of Appointment to EMN3/E-4 effective 16 October 2022.

i. On 22 November 2022, Petitioner found guilty at non-judicial punishment for violation of Article 112 – Incapacitation for duty from drunkenness or drug use. Awarded oral reprimand, restriction to military division for 45 days (suspended for 180 days), RIR, and extra duty for 45 days (suspended for 180 days).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner was not advanced to EMN3/E-4 in accordance with reference (b), resulting in RIR to EMNFA/E-2. The Board determined Petitioner should have been advanced to ETN3/E-4 effective 16 October 2022, and thereafter, RIR to EMFN/E-3 effective 22 November 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:

Petitioner advanced to EMN3/E-4 effective 16 October 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 22 November 2022.

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

That a copy of this report of proceedings will be filed in Petitioner’s naval record.

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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.

1/26/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]