

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

> Docket No. 2039-24 Ref: Signature Date



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 12 March 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.

You requested advancement to Radioman Third Class (RM3)/E-4. 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 in accordance with Bureau of Naval Personnel Instruction 1430.16C, "Frocking is an administrative authorization to assume the title and wear the uniform of a higher paygrade without entitlement to the pay and allowance of that grade." The policy further states, "Frocking does not change the permanent status of a member nor authorize payment of entitlements governed by statute or regulation and is subject to restrictions" as outlined in the instruction. Additionally, Navy Military Personnel Command Instruction 1900.1B directed that the rate and paygrade entered on the DD Form 214, Certificate of Release or Discharge from Active Duty reflect the rate/paygrade in which separated but does not include frocked paygrade.

A review of your record reflects you participated in the September 1988 (Cycle 120) Navy Wide Advancement Examination and selected for advancement to RM3/E-4 effective 16 April 1989. On 2 February 1989, you were issued Authority to Assume the Title and Wear the Uniform of a Petty Officer Third Class. This notification specified "Under reference (a) [Military Personnel

Manual Article 2230130] you will not be entitled to pay and other monetary allowances of a Third Class Petty Officer until actually advanced to the pay grade for which you have been selected." However, you discharged on 13 April 1989 due to physical disability existing prior to entry on active duty as established by the physical evaluation board proceedings. Therefore, the Board 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,