



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

[REDACTED]
Docket No. 7998-17
MAY 14 2019

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 United States Code §1552. After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 December 2018. 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 (AO) by Naval Personnel Command (NPC), memorandum letter 1430 Ser PERS 8031/0028 of 7 February 2018. The AO was sent to you on 6 April 2018 for an opportunity to comment prior to being considered by the Board. After the 30-day period for comment expired without a response, the case was presented to the Board.

The Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire change your time in rate to reflect advancement to E4 from the September 2016 (advancement cycle 232) rather than the March 2017 (advancement cycle 235) and your assertions that you were eligible to take the September 2016 (advancement cycle 232), your chain of command at the time told you were not eligible, and after looking through your record it was discovered that you should have taken the September 2016 E-4 exam. The Board noted that you or your command did not provide supporting documentation to validate your assertion that administrative irregularity by your command. Additionally, NAVADMIN 083/16 paragraph 2.g required using all evaluations in the candidate's current rank with an end date that falls within the time periods (E4 exam – 1 January 2016 to 31 August 2016). Nonetheless, the Board concurred with the AO and concluded that your only (NAVPERS 1616/26) that fell within the foregoing dates was marked as a Not Observed Report in block 16,

contained no performance traits or a promotion recommendation recorded which to compute a performance mark average.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,

[REDACTED]

Executive Director