



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. 8862-23
Ref: Signature Date

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Dear Petitioner:

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 11 April 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, as well as the 15 February 2024 Advisory Opinion (AO) provided to the Board by Navy Personnel Command (PERS 803). The AO was provided to you on 21 February 2024, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to be selected to the rate of Chief Petty Officer (CPO) because your profile sheet was erroneously invalidated during the Fiscal Year 2024 (FY24) CPO Selection Board even after you “exhausted all administrative remedies available under regulations of the U.S. Navy and verified weekly that [your] profile sheet was not invalidated.” Specifically, you contend that when the selection board process began, you ensured “one last time [that your] profile sheet was still in good standing because at the time [you were] being reinvestigated” regarding your security clearance. You further contend you were “placed in this position” because the security manager on █ did not inform you in time about a supplementary information request and, when you did complete the request, he did not submit your letter. However, when you checked into your new command, the command immediately resubmitted the required information. Additionally, you contend the FY24 CPO Selection Board did not attempt to use a “holding process” for “fix[ing] questions rather than invalidating packages.” Lastly, you stated you fully believe you would have been

selected as a CPO if your package had not been invalidated at the board solely based on your security clearance.

The Board, however, substantially concurred with the AO. The Board noted the Advancement Manual for Enlisted Personnel (BUPERSINST 1430.16G w/CH1) discusses the special requirements for rates/ratings that require a security clearance, noting that “candidates in a rating requiring a security clearance must have a favorable investigation adjudication issued by the Department of Defense Central Adjudication Facility (DODCAF)” that is properly reflected in the Joint Personnel Adjudication System “prior to board convening for E7 through E9 candidates.” Further, the Advancement Manual notes the candidate “must maintain the clearance eligibility.” The Board substantially concurred with the AO and concluded it was not error or unjust for the expired security clearance to invalidate your profile sheet after the board convened. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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,

4/23/2024



Deputy Director

Signed by: [Redacted]