



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

█
Docket No. 10267-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USN,
█

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G
(c) NAVADMIN 042/23

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPC (PERS 8031), 27 Dec 23
(3) 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 compare the September 2023 (Cycle 260) Navy Wide Advancement Examination (NWAE) to the missed March 2023 (Cycle 259) NWAE and retroactive advancement to Machinist's Mate Auxiliary Second Class (MMA2)/E-5.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 18 April 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), Commanding Officers and Officers in Charge are authorized to submit exception to policy (ETP) requests to Director, Military Personnel Plans and Policy (N13) via the Command Immediate Superior in Command endorsement within 6-months after the exams limiting date. Additionally, the policy specifies that failure to reinstate a previously withheld advancement prior to the limiting date for the advancement cycle will terminate the member's selection. The March exam limiting date is 31 December of the same year.

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[REDACTED]

b. Reference (c) announced a one-time reset of all physical fitness assessment (PFA) failures. As such, all Active Component and Reserve Component officers and enlisted Sailors shall be counted as having zero past PFA failures prior to 16 February 2023 when considering authority to reenlist, advance, promoted, or execute other career continuation transitions such as extensions and duty transfers. For enlisted personnel, this message served as the authority to restore recommendations without the completion of a mock or official PFA. To restore advancement for Sailors whose selection for advancement has been withheld due only to PFA failure, command should follow the procedures of reference (b) to restore a withheld advancement recommendation.

c. On 1 June 2021, Petitioner reported to [REDACTED] ([REDACTED]), [REDACTED], [REDACTED] for duty.

d. In March 2022, Petitioner participated in Cycle 255 NWAE and selected for advancement to MMA2/E-5 effective 16 September 2022.

e. Petitioner issued Periodic evaluation for period of report from 16 June 2021 to 15 June 2022. Petitioner received the following: Block 20 (Physical Readiness) "F"; Block 36 (Military Bearing/Character) "2.0-Progressing"; Block 43 (Comments on Performance) "Block 36: Member failed Physical Readiness Test CY2021"; and Block 45 (Individual Promotion Recommendation) "Promotable."

f. On 19 August 2022, Petitioner issued "Withholding Authorized Advancement" NAVPERS 1070/613, Administrative Remarks indicating, "Authorized advancement to MMA2 withheld this date due to failure to meet physical readiness standards."

g. on 24 February 2023, Commanding Officer, [REDACTED], [REDACTED], [REDACTED] signed and issued "Reinstatement of Command Withheld Advancement" NAVPERS 1070/613, Administrative Remarks indicating, "Per BUPERSINST 1430.16G and NAVADMIN 042/33, I hereby authorize reinstatement of advancement to E-5 effective 16FEB23 from NWAE Cycle 255."

h. On 21 March 2023, Commander, [REDACTED] submitted an ETP to Director, Military Personnel Plans and Policy (N13) requesting a waiver for Cycle 255 limiting date to allow for reinstatement of Petitioner's advancement.

i. On 9 May 2023, OPNAV N132, notified [REDACTED], [REDACTED] that "Cycle 255 has passed the limiting date of 31DEC2022 IAW [in accordance with] BUPERSINST 1430.16G and therefore advancement authority has expired, rendering NAVADMIN 042/23 not applicable for this Sailor. NAVADMIN 042/23 will only be applicable to advancement Cycles that have not reached the Cycle limiting dates listed in par. 706.a..."

j. Petitioner issued Periodic evaluation for period of report from 16 June 2022 to 15 June 2023. Petitioner received the following: Block 20 (Physical Readiness) "FF"; Block 36 (Military Bearing/Character) "2.0 Progressing"; Block 43 (Comments on Performance) "Block

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36: MMA3 failed the 2022 and 2023 Physical Readiness Assessments”; and Block 45 (Individual Promotion Recommendation) “Promotable.”

k. In September 2023, Petitioner participated in Cycle 260 NWAE and selected for advancement.

l. Petitioner advanced to MMA2/E-5 effective 16 December 2023.

m. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner’s application has commented to the effect that the request to compare Cycle 260 to missed Cycle 259 has merit.

n. On 10 April 2024, Naval Education and Training Professional Development Center (NETPDC) referred to Commander, [REDACTED] ETP submission dated 21 March 2023 for Cycle 255 vice completing Cycle 260 comparison to Cycle 259.

o. On 22 April 2024, OPNAV N132 confirmed Petitioner’s Cycle 255 advancement could not be restored per reference (b). Additionally, NETPDC follow-up email recommended the case be returned to Petitioner to exhaust administrative recourse to compare Cycle 260 to missed Cycle 259 as he is still within the Cycle 259 limiting date.

p. The Cycle 259 ETP limiting date is 30 June 2024.

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’s record contained sufficient evidence to surmise that it was Commander, R [REDACTED] [REDACTED] intent to restore Petitioner’s advancement to MMA2/E-5 from March 2022 (Cycle 255). Therefore, the Board determined that an ETP to restore Petitioner’s advancement to MMA2/E-5 effective 16 September 2022 is warranted.

RECOMMENDATION

That Petitioner’s naval record be corrected, where appropriate, to show that:

Petitioner authorized an ETP to the Cycle 255 limiting date and advancement to MMA2/E-5 was restored.

Petitioner advanced to MMA2/E-5 effective 16 September 2022 with a time-in-rate date of 1 July 2022.

A copy of this Report of Proceedings will be filed in Petitioner’s naval record.

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.

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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.

5/17/2024

