



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. 200-24
Ref: Signature Date

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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 9 July 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. In addition, the Board considered the advisory opinion contained in Office of Legal Counsel (PERS-00J) letter of 25 April 2024, which was previously provided to your attorney for comment on 28 May 2024 via email to cmr@correctmilitaryrecords.com. You and your attorney were afforded an opportunity to submit a rebuttal, but did not do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 20 September 1990, the Commanding Officer (CO), █, █, notified Commander, Navy Recruiter Command via First Endorsement on your letter of 4 September 1990 that you will be receiving your B.S. Degree in Health Care Management on 18 December 1990.

“[Subject] is a highly motivated individual who has the characteristics and attitude to become a Naval Officer in the Medical Service Corps’ [MSC] community. I most strongly recommend [Subject] for an Officer Commission and appointment in the [MSC], U.S. Naval Reserve.”

On 10 May 1991, █ University conferred on you the degree of Bachelor of Science Health Care Management.

On 5 September 1991, you notified Commander, Navy recruiting Command via CO, ██████████ ██████████ that, “[p]er reference (a) [MILPERSMAN 1020130], enclosures (1) through (7) are forwarded for review and consideration for direct commissioning in Health Care Administration, [MSC], U.S. Naval Reserve. Respectfully request a waiver on the age requirement.”

On 22 September 1991, the CO, ██████████ notified Commander, Navy Recruiting Command via First Endorsement of your letter dated 1 September 1991 that, “[f]orwarded, with my strongest personal recommendation for approval. All required documents have been checked for completeness and accuracy and are attached as enclosures (1) through (8). The applicant is serving on full duty without any physical limitations and meets the physical fitness standards as outlined in reference (b). Although the age requirement as outlined in reference (c) is exceeded by six months, a waiver in this instance will be in the best interest of the Navy.”

You were discharged with an honorable character of service and were issued a DD Form 214, Certificate of Release or Discharge from Active Duty for the period of 3 October 1983 to 31 October 1995 upon having sufficient service for retirement. Furthermore, block 4a (Grade, rate or rank) listed AE1, block 4b (Pay grade) listed E-6, and 12h (Effective date of pay grade) listed 27 January 1992.

On 8 September 2016, the CO, ██████████ notified the Board that, “[a] routine review of the information provided by [Subject], specifically his transcript suggests that he did not qualify for the program. Although he completed his degree in May 1991, his GPA is less than 2.5. Commissioning programs in 1990 and 1991 as well as today are very competitive. The board looks for the brightest and best applicants. [Subject’s] grades are less than stellar in his major concentration, “Health Care Administration.” Although an outstanding sailor, too many grades of “C”, “D” and “F” made him less competitive on the academic side.

[Subject] stated that he submitted a package in 1990 and was Non-Select. While deployed in 1991, he submitted another package and found it difficult to believe that he was not selected. Records show that he completed his bachelor’s degree in health care management in May 1991. Current letters written on [Subject’s] behalf have recommended him for both the MSC IPP [In-Service Procurement Program] and Medical Enlisted Commissioning Program (MECP).

A search of the MSC IPP Board applicant's list sent to Navy Personnel Command in 1990 and 1991 was conducted and the list does not show [Subject] further indicating his package was not presented to the MSC IPP Board. Searching back twenty-seven years for an actual record of package submission is not possible, since we only keep a physical copy for no more than 5 years. Therefore, there is no way to substantiate that the Command received [Subject’s] package in 1990 or 1991.”

On 25 February 2022, the Board for Correction of Naval Records notified you via mail that on 11 January 2022 via Docket No. 4462-21, that after careful and conscientious consideration of relevant portions of your naval record and your application, the Board found the evidence submitted insufficient to establish the existence of probable material error or injustice, thus your application was denied.

On 15 February 2023, CDR [S...] notified the Board via a letter in support of your request for acceptance into the MECP. "After reviewing [Subject's] paperwork regarding this petition, I respectfully request the [Board] to consider the following two NEW pieces of data:

Data # 1) [Subject] submitted two packages for the [MSC IPP] in 1990 and 1991 via two separate Chain of Commands, ██████████ in ██████████, ██████████ and ██████████ aboard ██████████ (██████████) respectively. Neither command fully processed/submitted the packages to the MSC IPP Board. The package submission process has often fallen short by excluding or limiting opportunity for people on the basis of race, sexual orientation, sexual identity, gender, and creed in the past as illustrated in the Navy's recent study "Task Force One Navy." Both of [Subject's] packages may have suffered from such an injustice. Respectfully request that the [Board] re-evaluate his petition against the backdrop of the Task Force One Navy study.

Data # 2) After reviewing [Subject's] associated paperwork. I agree that he did not meet the basic qualifications for entry into the MSC IPP and subsequent commission in the MSC. However, [Subject] did meet the ratings requirements to participate in the MECP. Respectfully request the [Board] to review [Subject's] entire record and carefully weigh all potentially mitigating factors to include his assertions for the MECP. After reviewing all of his enlisted evaluations, awards, and various certificates of achievements, there is no doubt that [Subject] would have been selected into the highly competitive MECP. [Subject] possesses the leadership qualities and the administrative, organizational, and professional abilities to perform well as an officer. He is considered an outstanding candidate for commissioning via the MECP."

You requested reconsideration of Docket No. 4462-21 based on new evidence, the Board in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you should be strongly considered for the MSC program because of implicit bias and the MECP because you were qualified. The letter from ██████████ you submitted as new evidence states, the package submission process has often fallen short by excluding or limiting opportunity for people on the basis of race, sexual orientation, sexual identity, gender, and creed and that your packages may have suffered from such injustice, however the Board determined that it could not find implicit bias with regards to your MSC applications because although your packages do not appear to have been presented to the MSC IPP Board, you failed to meet the basic criteria for *consideration* for the MSC. Even ██████████ admits that you did not meet the basic qualifications for entry into the MSC IPP and subsequent commission in the MSC. In accordance with SECNAVINST 1120.8B,¹ the basic qualifications for entry into the MSC, applicants must be

¹ Published on 16 May 1989, for entry into the Health Care Administration IPP and subsequent commission in the MSC, applicants must be hospital corpsmen or dental technicians serving on extended active duty in the Navy, in pay grades E-5 through E-9 at the time of initial application, and meet the following requirements:

Citizenship, Moral and Physical standards. Meet the criteria established for a commission in the MSC in paragraph 6 of the basic instruction. Performance Standards. Have no courts-martial, nonjudicial punishment or civilian court conviction, for other than minor traffic violations, within the past four years. Academic Qualifications. Have undergraduate course work with a grade point average of at least 2.5 on a 4.0 scale, sufficient to complete, within 24 months, the requirements for a baccalaureate degree in health care administration, hospital administration, health service administration or in a management discipline directly related to health care administration as approved by the Director, MSC on a case-by-case basis. Experience. Through performance in diverse operational environments have clearly demonstrated skill in health care administration and aptitude and mature leadership potential to perform successfully as a commissioned officer. Experience must include but is not specifically required or limited to

hospital corpsmen or dental technicians. You were an Aviation Electrician's Mate at the time of your 1990 and 1991 applications. Additionally, the CO, Navy Medicine Professional Development stated that although you were an outstanding sailor, you were less competitive on the academic side.

The MECP is a program that offers qualified enlisted men and women from all enlisted ratings a chance to earn an entry-level nursing degree followed by an appointment as an Ensign/O-1 in the Nurse Corps. The letter from █ asserts that you are qualified because you "met the ratings requirements to participate in the MECP," however you have not included any information to suggest that you applied to the MECP to earn a nursing degree while still in service, nor that you would have completed said degree with the requisite qualifications in order to commission in the Nurse Corps. Therefore, the Board determined that the evidence that you provided is insufficient to overturn the previous Board's decision. In this connection, the Board substantially concurred with the comments contained in the advisory opinion, and that you have not met the burden to overcome the presumption of regularity attached to the official actions of the Navy, nor have you demonstrated a material error or injustice.

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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

7/25/2024

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hospital duty. Fleet Marine Force duty, fleet liaison and operations, and headquarters and other staff duty, with documented performance in health care administration.