



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

[REDACTED]  
Docket No. 1022-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. § 1552  
(b) NAVADMIN 125/22

Encl: (1) DD Form 149 w/enclosures  
(2) OPNAV N13 Action Memo, subj: Exception to Policy to NAVADMIN 125/22 to Waive Time in Grade Requirement for Chief Warrant Officer Three ICO [Petitioner], 3 April 2023  
(3) PDASN (M&RA) Action Memo, subj: Original Appointment of a [REDACTED] Officer in the United States Navy  
(4) Branch Head, Enlisted [REDACTED] [REDACTED] Advisory Opinion, 8 March 2024

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 his rank be administratively changed from Chief Warrant Officer Two (CWO2) to CWO3 with a backdated commissioning date of 1 October 2023.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 11 April 2024 and, pursuant to its regulations, determined 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 records, 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 as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner applied for the Fiscal Year 2024 Active-Duty Navy Limited Duty Officer and Chief Warrant Officer In Service Procurement Board in an effort to commission as a CWO3. However, he was a frocked E-9 and needed to advance prior to 2 January 2023 in order to commission as a CWO3. Based on historical precedence, Petitioner was projected to advance prior to 2 January 2023 to meet the CWO3 commissioning requirements but, unfortunately, was not advanced to E-9 until 1 March 2023 which resulted in him being scrolled as a CWO2 vice CWO3. See enclosure (2).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

c. After advancement to E-9, Petitioner submitted an exception to policy (ETP) request for a waiver of the E-9 time-in-grade (TIG) requirement for appointment as a CWO3. Director, Military Personnel Plans and Policy approved the ETP request. He obtained an approved time-in-service waiver on 22 July 2022 and a TIG ETP on 3 April 2023 . See enclosure (3).

d. Petitioner contends he was ineligible for appointment as a CWO2 because he had exceeded the time-in-service (TIS) eligibility window as outlined in reference (b). Having now obtained a TIS waiver and a TIG ETP, he contends he has fulfilled both eligibility requirements for CWO3. Commissioning as a CWO3 will allow him to serve three years as a CWO4 and provide an opportunity to compete for promotion to CWO5. See enclosure (1).

e. [REDACTED] provided enclosure (4), an Advisory Opinion (AO) recommending approval of Petitioner's request for appointment to CWO3. [REDACTED] has determined Petitioner is qualified for appointment to the grade of CWO3 and is needed in the grade indicated to accomplish mission objectives. Further, relevant systems of records maintained in the Department of the Navy pertaining to Petitioner have been queried and did not reveal adverse information or substantiated misconduct that would impact his suitability for appointment.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief. The Board, relying on the [REDACTED] AO at enclosure (4), concurred with the recommendation Petitioner be appointed to the grade of CWO3 with a commissioning date of 1 October 2023.

## RECOMMENDATION

In view of the above, the Board recommends the following corrective action.

Petitioner's naval record be corrected to reflect his appointment in the grade CWO3 with a commissioning date of 1 October 2023.

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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.

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 Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/8/2024

