



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. 1852-24
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 26 September 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 Navy Personnel Command memorandum 1430 PERS 8031/369 of 16 August 2024, which was previously provided to you for comment.

You requested your advancement to Aviation Machinist's Mate Second Class (AD2)/E-5 from the March 2022 (Cycle 255) Navy Wide Advancement Examination (NWAE) be reinstated due to the release of Navy Administrative (NAVADMIN) 042/23. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded that you did not meet the criteria for your advancement to be restored in accordance with NAVADMIN 042/23 and Bureau of Naval Personnel Instruction (BUPERSINST) 1430.16G. Specifically, NAVADMIN 042/23 indicates, "[t]o restore advancement for a Sailor whose selection for advancement has been withheld due only to PFA [physical fitness assessment] failure, commands should follow the procedures of reference (d) [BUPERSINST 1430.16G] to restore withheld advancement recommendation." Per BUPERSINST 1430.16G, Commanding Officers and Officers-in-Charge are authorized to submit exception to policy (ETP) requests with Command Immediate Superior in Command (ISIC) endorsement within 6 months after the exams limiting date. The March exam limiting date is 31 December of the same year. Additionally, BUPERSINST 1430.16G specifies that

“[f]ailure to reinstate a previously withheld advancement prior to the limiting date for the advancement cycle will terminate the member’s selection.”

A review of your record indicates that you participated in the March 2022 (Cycle 255) NWAEE and selected for advancement to AD2/E-5 effective 16 December 2022. On 26 May 2022, you failed the body composition assessment for Cycle 1-2022 resulting in your advancement being withheld. On 27 June 2023, █ signed an ETP indicating your advancement was reinstated on 16 February 2023 per NAVADMIN 042/23. █ favorably endorsed the ETP on 29 June 2023. On 17 July 2023, OPNAV (N132) returned the ETP to █ with no action, because the request was submitted beyond the ETP limiting date.

The Board could not find, nor did you provide evidence of █ intention to reinstate your advancement prior to the limiting date and or the release of NAVADMIN 042/23. The Board further determined that █ improperly applied the authority to reset your PFA failure. Therefore, in this connection, the Board substantially concurred with the comments contained in the advisory opinion, and agreed a change to the record is not warranted.

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,

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