



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

██████████
Docket No. 2232-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) BUPERSINST 1430.16G

Encl: (1) DD Form 149 w/attachments
(2) 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 reflect advancement to Aviation Ordnanceman Second Class (AO2)/E-5 from the September 2019 (Cycle 244) Navy Wide Advancement Examination (NWAE) with retroactive pay and allowances.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 26 March 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. On 16 December 2018, Petitioner advanced to AO3/E-4.
- b. On 17 July 2019, Petitioner completed the Professional Military Knowledge – Eligibility Exam for E-5.
- c. In September 2019, Petitioner participated in Cycle 244 NWAE and was selected for advancement to AO2/E-5.
- d. On 15 January 2020, Petitioner issued NAVPERS 1070/613, Administrative Remarks indicating “Authorized advancement to E5 withheld this date due to [Petitioner] being under legal investigation.”

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e. On 27 May 2021, Petitioner found guilty at General Court-Martial for violation of Article 80 and awarded confinement for a period of 4 months, reduction in rank to E-1, and a Bad Conduct Discharge.

f. On 9 June 2021, Petitioner was reduced to AOAR/E-1.

g. On 30 March 2023, the Appellate review was completed in the General Court-Martial. The findings and sentence were dismissed with prejudice. All rights, privileges, and property of which the appellant was deprived by virtue of the execution of the sentence were restored. At an unknown date, Petitioner's rank of AO3/E-4 was restored.

h. On 27 October 2023, Petitioner reported to [REDACTED] for duty.

i. On 25 January 2024, Commanding Officer [REDACTED] submitted a Cycle 244 NWAE correction letter to the Naval Education and Training Professional Development Center (NETPDC). NETPDC redirected [REDACTED] to BCNR for adjudication on the same day.

j. On 14 March 2024, NETPDC confirmed that if Petitioner's Cycle 244 NWAE is validated, his final multiple score (FMS) of 128.03 exceed the minimum multiple score (MMR) of 120.38 for advancement to AO2/E-5 effective 16 June 2020.

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 was selected for advancement to AO2/E-5 from the September 2019 (Cycle 244) NWAE. Because of a legal investigation, Petitioner's advancement was withheld. Subsequently, the findings and Petitioner's sentence was dismissed but due to a lengthy appellate process, his reinstatement did not occur before the cycle limiting date. Therefore, the Board determined that under this circumstance, relief is warranted.

RECOMMENDATION

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

Petitioner's September 2019 (Cycle 244) NWAE was validated with FMS: 128; and Final Status: Selectee. Note: MMR was 120.38.

Petitioner advanced to AO2/E-5 effective 16 June 2020 with time-in-rate date of 1 January 2020.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

Note: The change to the effective date of advancement to E-5 may also have affected Petitioner's E-6 advancement opportunity. If Petitioner was eligible for but did not take the E-6 NWAE

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because the above change had not occurred, the following procedures will apply to remediate that missed opportunity. Petitioner should submit an exception to policy (ETP) to the Chief of Naval Operations (OPNAV N132) in accordance with BUPERSINST 1430.16G. If all requirements are met for a missed exam and OPNAV N132 disapproves an ETP, Petitioner may reapply to this Board for consideration of advancement to E-6 retroactive to the date Petitioner would have advanced on the "missed" examination cycle(s). Petitioner must submit a DD Form 149, with at least a copy of worksheet for the missed cycle(s), command endorsement/recommendation, disapproved ETP and a copy of this letter. The Board will then determine whether the request for retroactive advancement will be approved.

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.

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.

4/4/2024

