



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. 2472-24
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 27 August 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 Commander, Navy Personnel Command memorandum 1430 PERS 8031/177 of 15 March 2024, which was previously provided to you for comment.

You requested advancement to Air Traffic Controller First Class (AC1)/E-6 with associated pay and allowance from 16 February 2023 to 17 January 2024. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board concluded Navy Administrative (NAVADMIN) message 042/23 specified for "[e]nlisted personnel. This message served as the authority to restore recommendations without the completion of a mock or official PFA [physical fitness assessment]. To restore advancement for Sailors whose selection for advancement has been withheld due only to PFA failure, command should follow the procedures of reference (d) [Bureau of Naval Personnel Instruction (BUPERSINST) 1430.16G] to restore a withheld advancement recommendation." BUPERSINST 1430.16G states that "[f]ailure 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.

A review of your record reflects you failed three PFA's in 2018 and 2019 and issued NAVPERS 1070/613, Administrative Remarks for each failure. In March 2022, you participated in the

Cycle 255 Navy Wide Advancement Examination (NWAE) and was selected for advancement to AC1/E-6 with an effective date of 16 December 2022. However, in April and May 2022, you failed two PFA's and issued a NAVPERS 1070/613, Administrative Remarks for each failure. On 15 September 2022, your Commanding Officer withheld your advancement due to PFA failure and issued you a NAVPERS 1070/613, Administrative Remarks. The Board could not find, nor did you provide evidence of your Commanding Officer reinstating your advancement prior to the Cycle 255 limiting date of 31 December 2022. In March 2023, you received a Promotable promotion recommendation, passed not advanced the September 2023 (Cycle 260) NWAE, and subsequently transferred to the Permanent Disability Retired List effective 18 January 2024. In this connection, the Board substantially concurred with the comments contained in the advisory opinion and determined a change to your 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,

9/10/2024

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Deputy Director

Signed by: █