



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

██████████
Docket No: 3958-24
Ref: Signature Date

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Dear Petitioner:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 20 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, as well as the 15 July 2024 Advisory Opinion (AO) provided by Navy Personnel Command (PERS-802). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request for reconsideration for advancement to Senior Chief Petty Officer (E-8) by the fiscal year (FY) 2023 and 2024 Active Duty Senior Chief Petty Officer (AE8) Advancement Selection Boards (ASBs). The Board considered your contention that during calendar year 2022 (cycle 253) and 2023 (cycle 257), your promotion eligibility record was invalidated due to an error with your security clearance and not because of a loss of eligibility. Specifically, the Board considered your claim that on or around September 2019, you initiated the security clearance process for renewal, but deployed a month later aboard the ██████████ ██████████, resulting in the critical in-person interview never being completed and the investigation closed in December 2019 without your knowledge. Next, you claim that you were notified by the security manager that your renewal was approved, and no further steps were required. Finally, you assert that you discovered the error in April 2022 during a routine security clearance review and immediately alerted your command to determine appropriate actions necessary to resolve the error.

However, the Board substantially concurred with the AO that you were not selection board eligible by the FY 2023 or 2024 AE8 ASBs and determined your request is without merit. In this regard, the Board noted on 28 March 2022 the FY23 AE8 ASB convened. On 4 April 2022, PERS-802 received notification that your security clearance was deemed “No Determination Made” on 9 March 2022 by the Department of Defense Consolidated Adjudications Facility (DoD CAF); therefore, PERS-802 removed your name from the eligible population for advancement consideration for not maintaining a “favorable” security clearance pursuant with BUPERSINST 1430.16G. The AO notes per the Defense Information System for Security (DISS) security clearance definitions, “No Determination Made” means “there is no eligibility.” Your clearance remained in a “No Determination Made” status until after the FY 2024 AE8 ASB, therefore you remained ineligible for advancement consideration until your security clearance was adjudicated on 5 May 2023 by DoD CAF. Thus, the Board concluded that PERS-802 appropriately invalidated your profile sheets and determined that you were not selection board eligible. Further, pursuant with BUPERSINST 1430.16G, the Board notes that you and your command share equal responsibility to ensure your name appears on the selection board eligibility list and you provided insufficient evidence that any action was taken to ensure you were eligible for consideration by the FY 23 or 24 AE8 ASBs; specifically, you provided insufficient evidence that an interim clearance was requested or awarded prior to the FY 23 or 24 AE8 ASBs that would have made you selection board eligible. Thus, the Board determined, other than your personal statement, you provided insufficient evidence that you completed the requirements for advancement consideration as set forth in the relevant policies. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require that you 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,

9/11/2024

