



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. 4281-24
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 8 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 13 May 2024 Navy Personnel Command, Enlisted Career Progression (PERS 8031) Advisory Opinion (AO) which was provided to you on 28 May 2024. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to reinstate your withheld advancement to E-7 with an effective date of 16 December 2021. You contend that on 16 December 2021, your effective date, you were promoted and being paid E-7 pay but that your advancement was later withheld on 14 February 2022 and your pay decreased. Specifically, you contend your advancement was withheld after the effective date which violates BUPERSINST 1430.16G. Additionally, you contend the Administrative Remarks (Page 13) entry in the Navy Standard Integrated Personnel System (NSIPS), dated 8 December 2021, was (1) not signed by you or your Commanding Officer, (2) never verified in NSIPS or put in your Official Military Personnel File (OMPF), and (3) not provided to you.

The Board, having reviewed all the facts of record pertaining to your allegations of error and injustice, found as follows:

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

On 14 December 2021, [REDACTED], [REDACTED] submitted a Page 13 to Naval Education and Training Professional Development Center (NETPDC) in accordance with BUPERSINST 1430.16G withholding your authorized advancement to OSC/E-7 due to Physical Fitness Assessment (PFA) failure. By your initials and signature, you acknowledged you had been counseled and made aware that you would be provided mock PFAs every month and that passing a PFA was required in order to regain your advancement eligibility. Further, you acknowledged you were “aware that [your] advancement [would] be withheld until the CPO Advancement limiting date of 31 August 2022.” Your signature on the Page 13 was witnessed by [REDACTED]

On 16 December 2021, NETPDC issued an updated Profile Sheet for Cycle 250 which indicated your advancement had been withheld and “invalidated due to activity request.”

On 12 May 2022, [REDACTED] issued you a Special/Regular Evaluation Report & Counseling Record (EVAL) for the reporting period 16 November 2021 to 12 May 2022 upon the occasion of your second PFA failure and “withdrawing advancement and retention recommendation.”

A NSIPS Page 13 entry¹ dated 31 August 2022 indicates the [REDACTED] withdrew your advancement to OSC/E-7 due to your second PFA failure.

Your petition was submitted to PERS-8031 for an AO. By memorandum of 13 May 2024, PERS-803 recommended disapproval of your request. The AO indicated NETPDC provided the proper documentation to support the 14 December 2021 withholding of your advancement, specifically noting the withholding occurred prior to the effective date of 16 December 2021. Further, the AO indicates reinstatement documentation was never submitted by your chain of command.

The Board carefully considered your request for reinstatement of your withheld advancement to OSC/E-7. The Board noted the Page 13 withholding your advancement, that was generated in NSIPS on 14 December 2021, is not in your OMPF. However, BUPERSINST 1430.16G requires the CO to notify NETPDC via email and indicate compliance with paragraph 722a, which requires a Page 13 service record entry, prior to NETPDC forwarding verification of the withholding via a revised profile sheet. A copy of the Page 13 provided by [REDACTED] to NETPDC prior to the issuance of the revised profile sheet was considered by PERS-8031 and resulted in the AO’s recommendation to disapprove your request. As a result, the Board concluded there was insufficient evidence demonstrating a material error or injustice warranting a change to your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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

¹ NSIPS is utilized by commands to draft, among other things, Page 13 entries but NSIPS does not allow the documents to be digitally signed. An entry must be printed, signed, and submitted for inclusion in one’s OMPF.

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,

8/26/2024

