



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

[REDACTED]
Docket No. 7385-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USNR,
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Advisory Opinion by NPC (PERS-8031), 19 Aug 24
(3) 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 her naval record be corrected to reinstate advancement to Aviation Electronics Technician Second Class (AT2)/E-5 from the August 2021 (Cycle 109) Navy Wide Advancement Examination (NWAE).

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 February 2025 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, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. In accordance with reference (b), recommendation/advancement authority cannot be withheld or withdrawn on or after the effective date of advancement. Failure to comply with the required actions prior to the advancement date will result in the member retaining scheduled advancement. Additionally, the policy indicates Commanding Officers and Officers in Charge are authorized to submit exception to policy (ETP) requests with Command Immediate Superior in Command endorsement within 6-months after the exams limiting date. The August exam limiting date is 30 June of the next year.

b. On 21 December 2020, Petitioner assigned to [REDACTED]

c. On 16 August 2020, Petitioner advanced to AT3/E4.

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d. On 5 January 2021, Petitioner completed Professional Military Knowledge Eligibility Exam for E-5.

e. In August 2021, Petitioner participated in the Cycle 109 Navy Wide Advancement Examination and was selected for advancement to AT2/E-5.

f. On 4 October 2021, [REDACTED] issued a clinical summary letter stating, "Given her history I have advised that she not get the COVID [COVID] vaccine at this time and would like her to be exempt from this requirement."

g. On 14 February 2022, [REDACTED] confirmed Petitioner "is in the following monoclonal antibody clinical trial, Adagio Therapeutics COVID-19 Prevention Study. She entered our trial on December 27, 2021 and randomized on January 12, 2022."

h. On 26 April 2022, Petitioner transferred to [REDACTED] Force Protection [REDACTED] unit.

i. On 22 January 2023, Commanding Officer, [REDACTED] Force Protection [REDACTED] unit submitted a Request for Individual Advancement Determination and Authority for Advancement to Navy Personnel Command (PERS-803) via Navy Reserve Center, [REDACTED]. The request indicated the advancement was incorrectly withheld due to Petitioner not receiving the COVID-19 vaccine and specified that failure to submit the advancement determination request on-time was an administrator error not attributed to the Petitioner's action nor inactions. There is no evidence of the request being adjudicated.

j. In the advisory opinion, attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action with advancement to AT2/E-5 effective 16 February 2022. On 4 February 2025, Petitioner concurred with 16 February 2022 effective date of advancement.

k. On 4 February 2025, Naval Education and Training Professional Development Center confirmed Petitioner was selected from the Cycle 109 NWAE with an advancement date of 16 February 2022; however, Petitioner's Commanding Officer withheld the exam on 16 February 2022 due to COVID.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action. The Board determined Petitioner's advancement may have been erroneously withheld in accordance with reference (b). Additionally, the Board concluded that Petitioner provided sufficient evidence to validate reinstatement of her advancement to AT2/E-5 effective 16 February 2022. Therefore, the Board determined that under these circumstances, relief is warranted.

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[REDACTED]

RECOMMENDATION

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

Petitioner's advancement to AT2/E-5 from Cycle 109 NWAE was reinstated prior to 16 February 2022.

Petitioner advanced to AT2/E-5 effective 16 February 2022 with a time-in-rate date of 1 January 2022.

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 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 reference (b). 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 titled 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.

2/26/2025

