



**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. 7673-24  
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 19 November 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to reinstate your advancement to Petty Officer First Class (E-6). The Board considered your statement explaining the issues that led you to filing a false insurance claim. You contend that your command chose to withhold your advancement in lieu of non-judicial punishment (NJP) thus allowing the civilian adjudication process to proceed and giving you an opportunity to recover. You also contend the chain of command failed through their mismanagement. You claim that your advancement had a limiting date of 31 December 2023. Additionally, you took full accountability for your poor judgment and irrational decision-making.

The Board noted that you confessed to submitting a fraudulent insurance claim, the █ County Superior Court Division found you guilty pursuant to a plea agreement, and you were placed on supervised probation for 24 months. The Board also noted that you were issued an

Administrative Remarks NAVPERS 1070/613 (Page 13) withholding your advancement to E-6 due to an ongoing investigation. A subsequent Page 13 was issued removing the frocking authority, and your cycle 259 exam was invalidated due to your command's request. In accordance with MILPERSMAN 1616-050, your Commanding Officer (CO) submitted a Final Civil Action Report. Additionally, you were issued a Periodic/Regular/Significant Problems evaluation report ending 15 March 2024 due to the "NAVPERS 1070/13 and Civilian Felony Conviction." The Board noted, too, that you were processed for administrative separation and your administrative separation board (ASB) found that the preponderance of evidence supports the allegation but voted two to one for your retention.

The Board determined that your promotion to E-6 was properly withheld and terminated in accordance BUPERSINST 1430.16G. In this regard, the Board noted that advancement authority expires with the limiting date for the advancement cycle. In this case, your limiting date expired on 31 December 2023 and there is no evidence that your CO intended to reinstate your advancement. The Board determined your CO properly notified you and documented your promotion status. Your CO had the discretionary authority to effect your advancement; however, your CO's request to invalidate your exam cycle is evidence of his/her determination that you were not qualified for advanced E-6. The Board found no evidence of mismanagement by your chain of command and you provided none. The Board also determined that your CO decision to allow the civilian adjudication process to proceed does not constitute a basis for reinstatement of your selection to E-6. Moreover, your aforementioned misconduct and civil conviction are sufficient evidence to support your CO's determination that you are not currently qualified for advancement. The Board thus 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.

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,

12/16/2024

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