



Must be physically qualified for appointment per the physical standards outlined in reference (n), chapter 15. NAVMED P-117, Manual of the Medical Department (MANMED), chapter 15, defines the physical qualifications for appointment. Also, applicants must meet physical fitness standards of satisfactory-medium or higher per reference (a) at the time of application and appointment.

In accordance with Change 150 Manual of the Medical Department U.S. Navy NAVMED P-117 published on 8 June 2015, that (1) Aviation medical examinations are conducted to determine whether or not an individual is both physically qualified and aeronautically adapted to engage in duties involving flight. (2) Aviation physical standards and medical examination requirements are developed to ensure the most qualified personnel are accepted and retained by naval aviation. Further elaboration of standards, medical examination requirements, and waiver procedures are contained in the Aeromedical Reference and Waiver Guide...

Class IV Personnel: Applicant Active Duty and DON/DoD-GS Unmanned Aircraft Systems (UAS) Operator Standards Air Vehicle Operators, Sensor Operators, Mission Payload Operators, and Unmanned Aircraft Systems Commanders. Please see the U.S. Navy Aeromedical Reference and Waiver Guide, Chapter 1, Aviation Physical Standards, for all details.

In accordance with U.S. Navy Aeromedical Reference and Waiver Guide, UAS Group ██████████ and ██████████ Personnel that operate UAS ██████████ aircraft require a complete Class IV flight physical with submission to NAMI as required. Waiver requests must be electronically submitted to NAMI and local waiver approval is not authorized.

On 26 August 2020, Officer-In-Charge, Naval Aerospace Medical Institute notified Commander, Navy Personnel Command that based on the Flight Physical, of 20 July 2020 and Aeromedical Summary of July 2020 by FLIGHT SURGEON, NAVAL MEDICAL CLINIC ██████████ ██████████ not physically qualified but aeronautically adapted for all duty flying due to:...

Waiver was requested and after review, is recommended for duty as UAV Operator. Waiver is contingent upon: member remains asymptomatic, close follow up by local Flight Surgeon being maintained with AMO comment on interval history and sustained remission. Annual submission directed.

This waiver recommendation is for DIF and Class II as Naval Aircrew Member and Class IV as UAV Operator.

This supersedes BUMED (MED-M3F83) letter Ser: NMOTC-1354967 of 27-MAR-2015.

In accordance with NAVADMIN 141/21 published on 28 June 2021, NAVADMIN 315/20 announced the creation of the Aerial Vehicle Operator Warrant Officer (737X) community. This NAVADMIN announces the first selection board for the community, as well as instructions and deadlines for applications. The first selection board will be held on 2 August 2021 at Commander, Navy Recruiting Command Headquarters.

On 24 August 2021, Commander, Navy Recruiting Command notified you via Commanding Officer, Air Test and Evaluation Squadron ██████████ that "[i]t is my pleasure to inform you that your application for Officer Candidate School has been carefully reviewed, and based on your personal and professional merit, you have been selected to attend Officer Candidate School (OCS) at ██████████ on ██████████. Upon completion of training you will be

appointed as a Warrant Officer (WO1), United States Navy, in the Aerial Vehicle Operator Officer program, designator 7371.

Your selection is a significant milestone, recognizing your superior academic and professional achievements, and is a very important step to a successful career in the Navy. OCS has created a physical conditioning program you may find beneficial to help you prepare for the physical rigors of their training program. It is accessible at their website <http://www.ocs.navy.mil>. This website also contains general information regarding OCS that will prepare you for success.”

On 15 September 2021, you signed an Aerial Vehicle Operator (7371) Service Agreement.

On 24 September 2021, you were issued official change duty orders (BUPERS order: 2671) while stationed in ██████████ with an effective date of departure of October 2021. Your intermediate (01) activity was ██████████ ██████████ for temporary duty under instruction with an effective date of arrival of 15 October 2021.

On 28 January 2022, your Reporting Senior signed a Detachment of Individual/Regular Fitness Report and Counseling Record for the period of 15 October 2021 to 28 January 2022. The following comments on block 41 (Comments on performance) “[s]ubmitted on the occasion of member completing Officer Candidate School (P-93-2000).”

On 24 February 2022, Officer-In-Charge, Naval Aerospace Medical Institute notified Commander, Navy Personnel Command that “[b]ased on the flight physical examination of 22 October 2021 by ██████████ [F] is not physically qualified but aeronautically adapted for all duty involving flying due to:...”

“After review, waiver is recommended for duty as UAV Operator. Waiver is contingent upon: that condition does not worsen, close follow up by local Flight Surgeon being maintained with AM0/F5 comment on interval history and sustained remission, member remains asymptomatic and on no medication. Member must strictly adhere to the Navy and Marine Corps Hearing Conservation Program. Annual submission directed. This supersedes BUMED (MED-M3F83) letter Ser: NMOTC-1758662 o 26-AUG-2020.”

On 1 March 2022, you were issued official new appointment orders (BUPERS order: 0612) while stationed in ██████████. Furthermore, the following was listed “[r]eport for physical examination as directed by CO to determine physical fitness for appointment and active duty. If found not physically qualified, examining medical officer advise NPC (PERS-433E) by message stating defects in detail with recommendations. If found physically qualified, you are to be discharged from enlisted status immediately prior to acceptance of appointment to commissioned status. Upon acceptance of appointment immediately report present CO and continue present duty until such time to commence travel...” Petitioner’s ultimate activity was ██████████ for duty under instruction in a flying status involving flying with an effective date of arrival of April 2022 with a projected rotation date of October 2022.

You were discharged with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 24 June 2010 to 1 March 2022 in order to accept commission or warrant in same branch of service.

You were issued an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) on 10 December 2021, with a designator code of 7371 (Aerial Vehicle Pilot) in the active U.S. Navy listing block 18 (Permanent grade) WO1, block 19 (Permanent grade date) 25 February 2022, block 20 (Present grade) WO1, and block 21 (Present grade date) 25 February 2022. You/witness signed this form on 2 March 2022.

On 1 March 2022, you transferred from [REDACTED] and arrived to [REDACTED] on 2 March 2022 for temporary duty.

On 5 March 2022, you transferred from [REDACTED] and arrived to [REDACTED] on 2 April 2022 for duty under instruction.

On 29 June 2022, your Reporting Senior signed a Detachment of Individual/Regular Fitness Report and Counseling Record for the period of 6 March 2022 to 29 June 2022. The following comments on block 41 (Comments on performance) "FITREP submitted for continuity purposes."

On 27 March 2024, Lt [C] [F], Flight Surgeon, Air Test and Evaluation Squadron [REDACTED] wrote the following statement: "The waiver letter of 26 AUG 2020 that was superseded by the waiver letter of 24 FEB 2022 (Sen NMOTC [REDACTED] and NMOTC [REDACTED] respectively) are identical in practice. The full resubmission of [REDACTED] waiver package when he was already a designated Class IV UAS Operator as well as a Class II Aircrewman, rather than an AMS asking for resignation as a sole Class IV may have contributed to a delay in his commissioning."

On 18 July 2024, you notified BCNR that "[d]uring my attendance at Officer Candidate School (OCS) in [REDACTED], I repeatedly informed the medical personnel about my existing UAS Group IV Flight Physical (one recently reviewed and completed by [REDACTED] Flight Doc in August 2021). Regrettably, these notifications appeared to have been overlooked. Consequently, I was required to make multiple subsequent visits to medical facilities following the initial day's medical evaluation, presuming that my current Flight Physical would suffice. However, this assumption proved incorrect, as I was compelled to undergo the entire flight physical process anew as if a first-time applicant. This included readdressing previously granted waivers and repeating all tests previously conducted during my original flight physical examination in 2015.

The requirement to undergo a comprehensive reevaluation by the flight surgeon at OCS resulted in a delay that prevented me from commissioning with my graduating class on the scheduled date. This delay was primarily due to the waiting for approval from the Naval Aerospace Medical Institute (NAMI). Furthermore, I was unexpectedly required to fulfill three additional medical referrals post-graduation, of which I had not been previously informed during my training as a student at OCS, where medical matters were overseen by rotating senior personnel every three weeks.

The subsequent scheduling challenges, with appointments being weeks out, meant that I could not complete the medical process until early to mid-February 2022, delaying the submission of my Flight Physical for NAMI'S approval. Moreover, the flight surgeon at OCS served as the sole individual responsible for submitting applications to NAMI, creating a single point of failure. This reliance on a single person led to further delays whenever the flight surgeon was absent from duty or otherwise unavailable.

These circumstances underscore the challenges encountered during my medical evaluation process at OCS, which ultimately impacted my timeline for commissioning."

On 18 February 2025, ██████████ MD, Flight Surgeon notified BCNR that "[a]fter thoroughly reviewing ██████████ medical record, I align with the assessments of my colleagues and Flight Surgeons ██████████ and ██████████]. If ██████████ record would have come across my desk as his flight surgeon I would have requested an AMS as a sole class IV with his existing waivers. This approach would have only required the completion of the in-house procedures, allowing the Naval Aerospace Medical Institute (NAMI) to evaluate his case and make a determination well ahead of his graduation date.

The waiver Ser: NAMI ██████████ dated 24FEB22, shows that waivers requested were "previously waived" and approved prior to this new request. The letter from OTCN referencing the referrals that were needed to get NAMI approval, had already been approved in waiver Ser: NAMI ██████████.

My professional recommendation to the Board is that the appointment of ██████████ be reverted to the date of 28JAN2022."

On 28 April 2025, BCNR notified OTC ██████████ and Assistant Officer in Charge, NAMI that, "...Is the requirement to get the Warrant Officer Appointment physical to be completed before or after arriving at OCS?..."

On 9 May 2025, Assistant Officer in Charge, NAMI notified BCNR that, "[t]he member needs a Commissioning physical according to MILPERMAN P-117 and OPNAVINST 1420 series. The member will need a new physical for the class of aircraft for his commissioning. His enlisted physical (A2N) has different requirements from his new aviation requirement (P7A) and prior documents/waivers are supportive of new classification but cannot be substituted for his new classification (P7A)..."

You requested your commissioning date be changed from 2 March 2022 to 28 January 2022, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that the existing ██████████ Flight Physical completed in August 2021 should have sufficed for your physical for commissioning and that you were compelled to undergo the entire flight physical process anew which created the delay in your commissioning. However, the Board concluded that your prior physical was an enlisted physical and had different requirements from your new aviation requirement. Your prior documentation and waivers were used in support of your new classification, however you were still required to complete the new physical process prior to being commissioned. On ██████████



[REDACTED] you completed OCS. You did not receive qualification as a UAV operator until 24 February 2022. The Board found no error or injustice to warrant a change to your record. In this connection, the Board substantially concurred with the comments contained in the aforementioned advisory opinion.

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,

5/19/2025

[REDACTED]