



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

[REDACTED]
Docket No. 1297-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) SECNAVINST 1402.1
(c) 10 U.S.C. § 605

Encl: (1) DD Form 149 w/enclosures
(2) CO, [REDACTED] ltr 1421 Ser [REDACTED], 23 Feb 23
(3) CDR, NPC ltr 1421 Ser 80/0328, 1 Jul 24
(4) Director, Surface Warfare Officer Distribution (PERS-41) advisory opinion ICO
Petitioner, undated

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), that her naval record be corrected by granting O-5 backpay effective 2 May 2024.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 June 2025, and pursuant to its regulations, determined 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 records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds the following:

a. On 23 February 2023, Petitioner's commanding officer submitted Petitioner's spot promotion nomination to PERS-4. On 10 August 2023, Petitioner detailer received the commanding officer's nomination letter via email. On 23 August 2023 spot promotion candidate packages and nomination letters were due to PERS-801. The commanding officer's nomination letter was not submitted. Enclosures (2) and (4).

b. In correspondence dated 1 July 2024, the Commander, Navy Personnel Command notified Petitioner that the President of the United States has temporarily appointed her a Commander in the Navy with a date of rank and effective date of pay of 18 June 2024. Enclosure (3).

c. The advisory opinion (AO) provided by the Director, Surface Warfare Officer Distribution (PERS-41) to the Board's consideration recommends approving Petitioner's request. The AO provides that PERS-411 sent in the list of spot promotion candidates and erroneously left out Petitioner's nomination letter, rendering her package incomplete. Thus, Petitioner's package was

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unable to be included in the Fiscal Year (FY) 2024 "Q1" board. The AO explained that Petitioner met all deadlines and due to a PERS mistake, without any fault on her part, her package was conveyed to the next board. The AO concluded that Petitioner would have selected for spot promotion and started receiving Commander pay from the Senate approved list dated 2 May 2024 if PERS had submitted the correct documents to PERS-801. Enclosures (2) and (4).

d. In her application, Petitioner contends an error by PERS-41 caused her package to be excluded from the spot promotion board. Petitioner claims she did everything required for inclusion on the FY 2024 "Q1" spot promotion board. When PERS-41 submitted the packages to PERS-801, her name was accidentally left off. By the time PERS-41 identified the error, the submission deadline had passed, and the package was pushed to the FY 2024 Q2 spot promotion board. Petitioner also claims she has been working in the spot promotion billet for which she was not compensated appropriately and asserts that she is justly entitled to backpay. Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial relief. The Board determined Petitioner's contention has merit and is supported by the AO. The Board found sufficient evidence that an error by PERS-41 caused her package to be excluded from the original spot promotion board. Because an administrative error prevented Petitioner's consideration by the FY 2024 "Q1" spot promotion board, the Board determined that a Special Board is warranted in accordance with references (b) and (c).

RECOMMENDATION

In view of the above, the Board directs the following corrective action:

Petitioner's naval record be corrected by convening a Special Board to consider Petitioner for the FY 2024 "Q1" spot promotion board.

That no further changes be made to 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 entitled 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 Regulation, 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

7/8/2025

[REDACTED]
Deputy Director

Signed by: [REDACTED]