



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC
Docket No. 6789-09
20 Oct 09

Dear [REDACTED]


This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on ^ . 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum of 1430 PERS 812 of 14 September 2009, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is also 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,


W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1430
PERS 812
SEP 14 2009

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-31C)

Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF
██

Ref: (a) NAVADMIN 268/08

Encl: (1) BCNR File 06789-09

1. ██████████ is requesting that his examination from Cycle 084, which was invalidated by Navy Personnel Command be reversed due to his mobilization.

2. Per reference (a), E7 candidates who exceed the High Year Tenure (HYT) limit for the next paygrade do not meet the criteria to serve in the next paygrade vacancy and therefore are not eligible for advancement. ██████████ Pay Entry Base Date (PEBD) is 10 June 1984 and the HYT gate for paygrade E7 is 24 years. ██████████ exceeded the HYT limit for the next paygrade on 9 June 2008.

3. In view of the above information, it is our recommendation that ██████████ examination remains invalidated.

4. This is an advisory memorandum for use by the Board for Correction of Naval Records (BCNR) only. Additional questions may be directed to PS1(SW) Doyle Jacobs at commercial 901-874-4500 or DSN 882-4500.


C. E. AIMESTILLMAN
Division Director
Enlisted Career Progression

SEP 24 2009