



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

██████████  
Docket No. 1731-20  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER ██████████ USN,  
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552  
(b) SECNAVINST 1920.7C  
(c) MILPERSMAN 1070-170

Encl: (1) DD Form 149 w/enclosures  
(2) DCNO (N1) Action Memo of 18 Sep 19  
(3) CNPC ltr 1420 Ser 833/0394 of 18 Feb 20

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 his naval record be corrected by reinstating his Fiscal Year (FY) 2019 Active-Duty Navy Lieutenant Commander Line Special Duty Officer (Foreign Area) Continuation selection, removal of adverse documents from Field Code 17 of his official military personnel file (OMPF), and to grant early retirement.

2. A three-member panel of the Board, sitting in executive session, considered Petitioner's application on 18 March 2021. The names and votes of the members of the panel will be furnished upon request. Petitioner's 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 Petitioner's application, together with all material submitted in support thereof, relevant portions of his naval record, and the enclosures, as well as 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 as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was commissioned an ensign in the Navy on 13 February 2005 and Honorably discharged on 31 August 2020 by reason of non-selection for permanent promotion to commander/O5.

c. Petitioner was selected by the FY 2019 Active-Duty Navy Lieutenant Commander Line Special Duty Officer (Foreign Area) Continuation Selection Board. However, his selection was

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

withheld pending further review of adverse information.

d. On 18 September 2019, the Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education (DCNO (N1))) recommended that the Secretary of the Navy disapprove Petitioner's continuation on active duty. The DCNO (N1) noted several incidents of Petitioner's insubordination, argumentative, and dismissive conduct, and Petitioner's contention that there was a process violation and a violation of Navy Ethos because the negative endorsement affecting the decision to end his career was not coordinated with his senior rater. Petitioner's claim that [REDACTED] found him innocent of all allegations crafted before and after May 2016 was also noted by the DCNO (N1), who also considered Petitioner's statements and his desire to remain on active duty. The DCNO (N1), however, determined that continuing Petitioner is not in the best interest of the Navy, and recommended disapproval of his continuation, enclosure (2).

e. On 11 February 2020, the Secretary of the Navy approved the removal of Petitioner's name from the FY 2019 Active-Duty Navy Lieutenant Commander Line Special Duty Officer (Foreign Area) Continuation List, enclosure (2).

f. On 18 February 2020, the Commander, Navy Personnel Command (PERS-833) informed Petitioner that, per reference (b), the Secretary of the Navy removed his name from the FY 2019 Active-Duty Navy Lieutenant Commander Line Special Duty Officer (Foreign Area) Continuation List and that he will be separated from active duty. Petitioner was also informed that, pursuant to reference (c), the documents will be filed in his OMPF, and that he may submit a statement for inclusion in his OMPF in response to this action, enclosure (3).

g. Petitioner contends that the Secretary of the Navy's decision was made based on limited information, and that his evidence furnished in enclosure (1) gives reason for the Board to grant the requested relief. Petitioner's evidence includes, in part, a letter of recommendation from [REDACTED] a prior Board decision to remove an adverse fitness report, and evidence of a favorable outcome in changing a request for Petitioner's Detachment for Cause.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request does not warrant relief. In reaching its conclusion, the Board determined Petitioner's contention that removal of his name from the FY 2019 Continuation List was made without due consideration of material evidence lacks merit.

The Board noted that the DCNO (N1)'s 18 September 2018 Action Memorandum to the Secretary of the Navy clearly demonstrates that all available applicable matters, to include Petitioner's statements and chain of command endorsement, were provided for the Secretary's consideration. Moreover, the Board determined that this contention does not allege an error or injustice in Petitioner's OMPF, and that he appears just to disagree with the Secretary's decision, which does not make it an error. The Board thus determined that the decision to remove Petitioner from the FY 2019 Continuation List was made deliberately and with due consideration to the evidence.

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

Regarding Petitioner's request for early retirement, the Board noted that Petitioner had over 15, but less than 20 years of total active duty service. The Board noted that the Temporary Early Retirement Authority (TERA) authorized members with over 15, but less than 20 years of total active duty service to apply for early retirement. However, the opportunity to retire under the TERA program ended in September of 2002. The Board thus determined that Petitioner does not qualify for early retirement.

Accordingly, under the totality of the circumstances, the Board concluded that Petitioner failed to provide substantial evidence demonstrating the existence of a probable material error or injustice warranting the requested relief.

**RECOMMENDATION**

In view of the above, the Board recommends denying relief.

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. The foregoing action of the Board is submitted for the Secretary of the Navy's review and action.

[REDACTED] 4/2/2021  
\_\_\_\_\_  
Executive Director

Secretary of the Navy Decision:

Reviewed and Approved Petitioner Request (Grant Relief)

Reviewed and Approved Board Recommendation (Deny Relief) JUN 29 2021

[REDACTED]  
Acting