



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: 6375-20
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.

The Board determined that your personal appearance, with or without counsel, would 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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 20 July 2021. 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.

The Fiscal Year (FY) 2013 Marine Corps Major Limited Duty Officer Selection Board selected you to promote to major on 1 March 2012. On 16 February 2012, a command investigation substantiated allegations of misconduct against you for having an adulterous relationship with an enlisted Sailor's wife. On 11 June 2012 the Commanding officer (CO), Marine Aviation Training █ documented the incident in a Report of Misconduct.

On 27 August 2012, the Commanding General (CG), Marine Corps █ directed you to show cause for retention at a Board of Inquiry. On 25 October 2012, you submitted a voluntary retirement request in lieu of further administrative processing. The CO, █ CO, █ and the CG, █ recommended approval of your retirement request and that you be

retired as a captain. The CG, [REDACTED] and the CG, [REDACTED] recommended approval of your retirement request but retirement in the lesser grade of chief warrant officer 3. The Deputy Commandant for Manpower and Reserve Affairs (DC, M&RA) also recommended that you be retired in the lesser grade of chief warrant officer 3 and on 30 August 2013 the Assistant Secretary of the Navy M&RA approved your retirement request in the lesser grade of chief warrant officer 3 (CWO3); you retired on 31 December 2013.

The Board carefully considered your request to be retired at the paygrade of captain (O3E), to remove your separation code of "SCN1" on your DD-214 and to remove "unacceptable conduct" as the reason for separation in block 28 of your DD-214. You contend that retirement in the lesser paygrade of CWO3 is unjust as you had an exemplary record, that the civilian charges against you were dismissed, and that your chain of command recommended that you be retired in grade as a captain. The Board noted that you acknowledged in your voluntary retirement request that if your retirement request was approved, you would be retired in the last grade in which you satisfactorily served, as determined by the Secretary of the Navy. The Board further noted that DC M&RA stated that your conduct was a departure from that expected of an officer of your grade and experience and CG, [REDACTED] specified that that last grade you served in satisfactorily without serious misconduct was CWO3. Consequently, the Board determined that your retirement at the lesser paygrade of CWO3 shall be upheld.

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,

8/3/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]