



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

██████████
Docket No: 8661-20
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.

A three-member panel of the Board, sitting in executive session, considered your application on 26 October 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) 2018 Active-Duty Navy Chief Warrant Officer 3 Promotion Selection Board selected you for promotion; you were scheduled to promote to Chief Warrant Officer 3 (W-3) on 1 June 2018. Your promotion was delayed pending review of adverse information. Naval Criminal Investigative Service (NCIS) investigated you in August 2017; the Commanding Officer (CO) ██ issued you a letter of instruction (LOI) for misconduct discovered during the NCIS investigation.

On 25 August 2020, the Chief of Naval Operations (CNO) recommended your removal from the FY-18 Active Duty Navy Chief Warrant Officer 3 Promotion Selection List and on 10 September 2020, the Secretary of the Navy (SECNAV) removed you from the FY-18 Active Duty Navy Chief Warrant Officer 3 Promotion Selection List. This constituted your first failure of selection (FOS) for promotion.

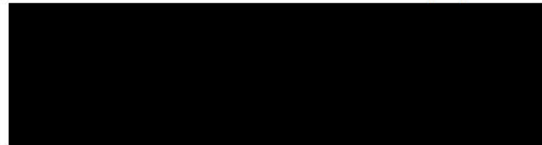
The Board carefully considered your request to have details from your closed investigation removed from your official military personnel file (OMPF). You argue that the investigation will have a negative impact on your ability to promote.

The Board noted there are only seven pages of adverse information in your OMPF and none of the documents are from the investigation. Instead, the punitive information includes the Secretary of the Navy memo removing your name from the FY18 Active Duty Navy Chief Warrant Officer Promotion List, the Commander, Navy Personnel Command notification to you of your removal, and your response to the removal of your name from the Promotion List. Consequently, the Board determined that these documents are valid and no probable material error or injustice exists in your record.

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,

11/20/2021

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Executive Director

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