



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. 8914-20
Ref: Signature Date

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Dear Petitioner:

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.

A three-member panel of the Board, sitting in executive session, considered your applications on 14 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request that you be promoted to the next higher paygrade of O-6 Captain, or, if unable to grant immediate promotion, to direct a special selection board (SSB). The Board considered your contention that "ongoing institutional hostility" was directed at you as a result of a "Flag Officer directed vendetta" which you described in detail in the documents submitted in support of your application. You further contend you were not afforded a "fair promotion system supported by records" and although you "had the aptitude to be promoted to the next higher paygrade," you were "held back due to institutional shortcomings in the Navy." The Board also considered your contention the issue was "impossible to resolve while serving on active duty due to the strong likelihood of reprisal."

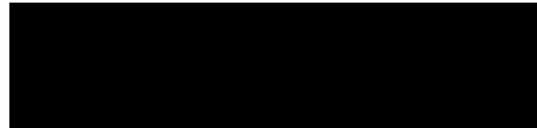
The Board determined, however, that it is not within its authority to direct your promotion to O6. Further, the Board determined you provided insufficient evidence that you met the criteria to grant the convening of a SSB. Specifically, you failed to demonstrated that the action of the

promotion board that considered you was contrary to law in a matter material to the decision of the board, or involved material error of fact or material administrative error. Additionally, you failed to demonstrate that the promotion selection board did not have before it for its consideration material information. Moreover, pursuant to Navy policy, "all applications for SSBs must be received no later than three years after the date the contested board results were made public. Applications received more than three years after the date the contested board results were made public will be treated as untimely . . ." The Board concluded you do not meet the criteria for a SSB, and that statutes and regulations do not support granting your requested relief.

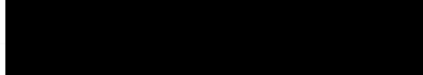
You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption 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,

10/25/2021

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Deputy Director

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