



placed on the FY 2000 Reserve Major Selection Board Promotion List, to be promoted to major, and to be granted a reserve retirement. The Board, in its decision of 18 August 2004, partially granted your request by setting aside your involuntary discharge of 1 February 2002 and correcting your record to show that you successfully served in the reserve component in a non-pay status so that you would be eligible for a reserve retirement. You were transferred to the Retired Reserve on 4 February 2005.

Currently, there are 37 pages of adverse material in your OMPF relating to your removal from the FY 2000 Reserve Major Promotion List. You argue that these documents are inconsistent with the Board's 2004 decision and the CO's officer's decision to set-aside your NJP in 1998. The Board carefully considered your request to remove these documents from your OMPF.

The Board noted that in the Board's 2004 decision the Board: (1) found there was no legal error in the decision to remove your name from the FY 2000 Reserve Major Promotion list; (2) ruled that you did "not deserve to be promoted to major in the reserve component in light of [your] misconduct;" and (3) specifically denied your "request to have [your] name restored on the FY 2000 Reserve Major Promotion List." Consequently, the 37 pages in your OMPF, which documents the removal of your name from the FY 2000 Reserve Major Promotion List, is not inconsistent with the Board's recommendation.

In addition, the BOI and subsequent action to remove your name from the FY 2000 Reserve Major Promotion List were separate processes, completely separate from the NJP of 1997. Thus, the Board determined the decision of the CO to later set-aside the NJP does not limit the consideration of the misconduct at issue at the BOI in the context of the promotion decision.

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,

11/15/2021

[Redacted signature block]

[Redacted name]

Executive Director

Signed by: [Redacted signature]