



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: 885-21
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.

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 19 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 the 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 Board carefully considered your request to have your record reflect that you were advanced to the rank of E-3 in November 2018 and to receive all back pay and entitlements as a result of the correction.

The Board noted that you were promoted to E-3, GMSN, on 16 September 2016 and were reduced in rank to E-2, GMSA, on 20 May 2018 after you were found guilty at Captain's Mast for violation of Article 121 of the Uniform Code of Military Justice (UCMJ), for larceny and wrongful appropriation. The Board further noted that the Commanding Officer, Region Legal Service Office Mid-Atlantic requested on 26 March 2020 a copy of your official military personnel file (OMPF) for court-martial and that you were discharged from active duty on 15 March 2021 in the rank of E-2, GMSA. The Board determined there is insufficient evidence to support your contention that you should have been promoted in November 2018. Consequently, the Board concluded there was no probable material error or injustice regarding your rank and your record will remain unchanged.

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,

11/8/2021


Executive Director
Signed by: 