



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. 3653-21
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.

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 18 November 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, as well as the 29 September 2021 Advisory Opinion (AO) provided by the Officer Accessions and Promotions Branch (PERS-806), and your 13 October 2021 rebuttal.

The Board carefully considered your request to be promoted to Lieutenant/O-3, effective prior to your separation from Naval Service on 28 April 1970. The Board considered your contention that you were selected for the rank and fulfilled all the requirements; however, you never received the promotion. You assert that you were never asked to provide proof of a vacancy, and assumed that since optometrists in the Navy were in short supply at that time, a vacancy would occur quickly. You argue that optometrists are now commissioned as lieutenants/O-3, and since your request for promotion will not cost the Navy anything, your request should be approved.

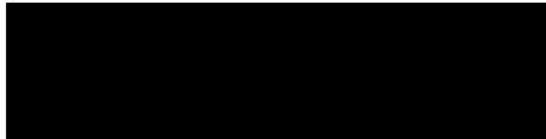
The Board noted that the 28 May 1964 Chief of Naval Personnel letter notified you of your promotion recommendation to lieutenant, and you were instructed “[w]hen your professional and physical qualifications have been established, forward a letter request for appointment in the form of enclosure (2) to the Chief of Naval Personnel via the command holding your service record.” The Board further noted that, on 14 August 1964, you certified that you met the establish professional and physical requirements for promotion to the grade of lieutenant in accordance with BUPERS Instruction 1412.2D. However, there is no evidence in the record, and

you submitted none, that your command endorsed your request, verified your professional and physical qualification, or recommended to the Chief of Naval Personnel (PERS-B833) that you be promoted, as required. The Board thus substantially concurred with the AO and concluded that there is insufficient evidence of error or injustice warranting your promotion to lieutenant.

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,

12/5/2021



Deputy Director

