



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: 3899-21
Ref: Signature Date



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 application on 11 January 2022. 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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.

The Board carefully considered your request for continued active service in the Navy Reserve. The Board considered your contention that the Navy Reserve Continuation Board did not consist of board members with a similar background/ethnicity. You also contend that there was no objective evidence that the board consisted of diverse individuals or that members had a thorough understanding of Navy Reserve career pathways. You claim that this lack of diversity resulted in your negative recommendation for retention and your request is in alignment with current Presidential initiatives to end systematic racism in government institutions.

The Board noted that on 31 July 2015, you were arrested for Driving Under the Influence (DUI) and on 17 December 2015 that you pled guilty to driving or attempting to drive your vehicle while impaired by alcohol. On 9 February 2018, the Secretary of the Navy (SECNAV) removed

your name from the Fiscal Year 2018 Navy Reserve Lieutenant Commander Line promotion list. On 22 September 2018, you requested to be considered for continuation in an active status. On 4 October 2018, the Navy Personnel Command notified you that you were not recommended for continuation in an active status and your separation was required.

According to SECNAVINST 1920.7, the purpose of the continuation and retention board is to retain competent and effective commissioned officers as a means of satisfying the needs and critical skill requirements of the Navy and Marine Corps. The Panel considers the member's current status, history of participation/performance, community manning, correspondence to the Panel, any adverse information (if applicable), active duty orders currently serving under (if applicable), and any previous periods of continuation or retention (if applicable). According to the personal data sheet you furnished, your community's manning was at 99%, the manning level for officers at your grade was 137%, and your record contained adverse material. Moreover, according to the results of the 2 October 2018, Fiscal Year (FY) 2019 Navy Reserve Continuation and Retention Panel only one of the three service members of your grade was selected for continuation. The Board found no evidence that the composition of the Panel violated regulations or that their knowledge of Navy Reserve career pathways was insufficient and you provided none. The Board determined that various factors influenced the Panel's decision—specifically—your community's manning level, the critical need for a sailor of your grade and specialty, and any adverse material. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

1/28/2022

[REDACTED]
Deputy Director
[REDACTED]