



cooperated with the investigation, and the investigation did not substantiate the allegation. You also claim that the Commander, NPC determined that the incident "does not meet the criteria for inclusion in an officer's service record" and once the information about the unsubstantiated allegation was placed in your service record, you were again selected for promotion.

The Board, however, substantially concurred with the AO that your record should remain unchanged. In this regard, the Board noted that the Naval District █ police responded to a 911 call for help from your spouse, and your spouse reported that you choked and threatened to kill her following an argument. Based on the nature of the allegation, the Naval Criminal Investigative Service (NCIS) opened an investigation. The Board also noted that the Family Advocacy Program reviewed your case and did not substantiate spousal abuse. Your chain of command did, however, prefer charges against you, but dismissed the proceedings because your spouse declined to participate in the military justice proceedings. The Board noted, too, that after your selection for promotion to LCDR, a review of the adverse material was conducted according to SECNAVINST 1420.3. SECNAVINST 1420.3 provides that the names of all officers recommended for promotion in the board report shall be screened for adverse or reportable information. The CNO shall ensure that all officers recommended for promotion to the paygrade of O-4 through O-7 are screened through existing databases to identify any adverse or reportable information on any officer recommended for promotion. The CNO will review the reportable information and recommend to the Secretary of the Navy (SECNAV) whether, in light of the adverse or reportable information, the officer remains qualified for promotion.

In this case, the CNO found that your actions during 2013 fell short of the exemplary conduct and good judgement expected of a naval officer according to Title 10 U.S.C. § 8167. The CNO also commented that although your spouse later recanted her testimony, her written statements shortly after the underlying incident, her conversation with the 911 dispatcher, as well as law enforcement reports of discoloration on your spouse's neck provided credible evidence of substandard conduct. The CNO concluded that he did not have the necessary trust and confidence to recommend you for promotion to LCDR at that time. The SECNAV reviewed all matters, approved the CNO's recommendation, and removed your name from the FY 2018 Navy Reserve LCDR Staff (JAGC) promotion list.

The Board determined that the CNO complied with applicable regulations and provided sufficient justification based upon the available evidence to support his recommendation that your name be removed from the promotion list due to your substandard conduct. The Board also determined that the SECNAV is delegated the authority to remove an officer's name from an O-6 and below promotion list, and as the promotion authority, the SECNAV acted within his discretionary authority when determining that your name would be removed from the FY 2018 Navy Reserve LCDR Staff (JAGC) promotion list. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. In consideration of your contentions, the available evidence, and aforementioned regulations, the Board determined that there is insufficient evidence to warrant a change to your DOR or to grant a SSB. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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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,

6/11/2022

[REDACTED]