



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No: 5812-21
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 24 February 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.

The Board carefully considered your request to remove all failures of selection (FOSs) to Lieutenant Colonel and “forward to a special selection board (SSB).” The Board noted you incurred FOSs during the Fiscal Year (FY) 2019, 2020, 2021, 2022, and 2023 Lieutenant Colonel Promotion Selection boards. The Board considered your contention the removal of the fitness report for the reporting period 1 June 2016 to 14 November 2016 by a previous Board on 1 April 2021 constituted removal of a material error or injustice in your record. With the removal, you contend a SSB for consideration by the FY 2019 Lieutenant Colonel Selection Board is warranted.

The Board noted you did not request removal or correction of the fitness report ending on 14 November 2016 until 5 November 2019 which was after the FY 2019, 2020, and 2021 promotion selection boards had convened. SECNAVINST 1402.1 states a SSB will not be convened to consider any officer who, through exercise of reasonable diligence, might have discovered and corrected the error in the official record prior to the promotion selection board that considered but did not select the officer. The Board determined you did not exercise reasonable diligence to correct the error prior to the FY 2019, 2020, and 2021 promotion

selection boards and concluded a SSB for those boards was not warranted. Looking at the FY 2022 and FY 2023 Lieutenant Colonel Promotion Selection boards, convened August 2020 and August 2021 respectively, the Board considered whether the removal of the fitness report ending in November 2016 was a significant enough positive correction to warrant the removal of your FY 2022 and FY 2023 FOSs. The Board determined, after reviewing your Master Brief Sheet, the removal of the fitness report for the reporting period 1 June 2016 to 14 November 2016 was not a significant enough positive correction to warrant removal of your FOSs. The Board concluded there was insufficient evidence of an error or injustice warranting your requested relief.

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,

3/11/2022

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Executive Director

Signed by: █