



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

██████████
Docket No. 7954-21
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 19 May 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of 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 determined that your personal appearance, with or without counsel, would 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 reviewed your request to backdate your date of rank in the grade of Gunnery Sergeant (GySgt)/E-7. You assert that on 16 March 2021, the Headquarters U.S. Marine Corps Performance Evaluation Review Board (PERB) corrected your fitness for the reporting period 28 September 2017 to 31 December 2017 by modifying the Section K-3 (Comparative Assessment) mark to block 5 from block 4. You assert that the fitness report was available for consideration by the FY 2020 GySgt Promotion Selection Board, prior to the PERB correction. The Board considered your contention that that the fitness report was subjected to the largest Reviewing Officer profile on your Master Brief Sheet, which had a significant [negative] impact on your competitiveness when you failed selection by the FY 2020 Promotion Selection Board. You assert that after the fitness report was corrected, you were selected by the FY 2021 GySgt Promotion Selection Board, and promoted with a 1 July 2021 date of rank.

The Board, however, determined that PERB's modification was not a substantial impact that would warrant backdating your date of rank to the date you would have received if selected by the FY 2020 Promotion Selection Board. Accordingly, the Board determined that your request does not warrant the 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,

6/15/2022

A large black rectangular redaction box covering the signature of the Deputy Director.

Deputy Director

Signed by:

A black rectangular redaction box covering the name of the Deputy Director.