



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. 727-22
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 applications on 26 May 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

You previously applied to this Board requesting a promotion to Lieutenant/O-3 effective prior to your separation from the Navy on 28 April 1970. You were denied relief on 18 November 2021 based on lack of evidence your command endorsed your promotion at the time. You presented as new evidence, the signed command endorsement for promotion and a supplemental letter explaining the oversight from your previous application. In light of this, the Board carefully considered your request to grant you promotion to Lieutenant in the U.S. Naval Reserves.

You contend that the command did endorse your request for promotion; however, due to your lack of oversight, only recently located the signed endorsement. You also provided proof of completion of professional and physical qualifications.

The Board, however, determined that despite your efforts to provide the above-mentioned documentation for appointment to the rank of Lieutenant, you did not provide evidence of a required vacancy as required by Chief of Naval Personnel ltr PERS-B833/Sel-64 636082/2305 of 28 May 1964. In addition, the Board found no evidence the Chief of Naval Personnel affirmed your appointment to the higher grade. The Board thus concluded that you have not provided

sufficient evidence of error or injustice warranting your request for appointment to the rank of 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,

6/17/2022

