



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

Docket No: 773-22

Ref: Signature Date

Dear [REDACTED]:

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 1 March 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 remedial consideration for promotion to gunnery sergeant (GySgt/E-7) during Fiscal Year (FY) 2019 Marine Corps GySgt Promotion Selection Board. The Board considered your contention that your record contained derogatory material, specifically, an 11 April 2019 failed physical fitness test (PFT). You also contend that the PFT entry was deemed invalid, was deleted from your record on 29 June 2020, and most likely contributed to you not being selected for promotion to GySgt. You claim that you submitted an Inspector General (IG) and Equal Opportunity (EO) Complaint with no resolution and you were not informed of the results of the investigation.


The Board, however, determined that your record should remain unchanged. In this regard, the Board noted that you previously failed selection for promotion to GySgt during the FY 2017 and

FY 2018 GySgt promotion boards. The Board also noted that according to the Marine Corps Enlisted Promotion Manual you must demonstrate due diligence by providing evidence that you took action to correct your record before the convening of the board and/or that you took reasonable steps to communicate with the board regarding any errors. The Board concluded the preponderance of the evidence did not show you took such steps to communicate with the board. Moreover, the regulation provides that remedial consideration will not normally be granted for “inaccurate information contained in Marine Corps Total Forces System (i.e. erroneous/incorrect PFT/CFT, rifle/pistol score).” 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,

3/21/2022


Executive Director

Signed by: 