



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

■  
Docket No. 1081-22  
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 application on 16 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 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 considered your request to backdate your promotion to E-7 with back pay and advance you to the paygrade of E-8. The Board considered your contentions that it slowed your career progression and was taken without proof and only after advancement results for selection to Chief Petty Officer.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found no basis to grant your request to backdate your promotion to E-7 or grant back pay based on the special evaluation, issued on 4 August 2011, withdrawing your recommendation for advancement. The Board noted that BUPERSINST 1610.10C allows the Reporting Senior to submit a Special Report withdraw an advancement recommendation based on substantiating evidence, in this case your non-judicial punishment of 28 July 2011. As a

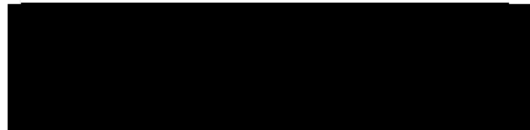
result, as determined in your previous case, the Board found no evidence indicating that the evaluation report was erroneous or unjust. Accordingly, the Board concluded your advancement to E-7 was properly withdrawn and a retroactive advancement to E-7 is not supported by the preponderance of the evidence.

Based on the above finding, the Board found no basis to grant your request to be promoted to E-8. In making this finding, the Board noted that you were properly considered for advancement to E-8 by the FY 2021 through FY 2023 advancement selection boards. The Board thus concluded that your request is lacking in substantial evidence of error or injustice.

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,

6/2/2022

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Executive Director

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