Docket No. 1949-22
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 23 May 2021. 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.

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 for a Special Selection Board (SSB) to Colonel (O-6). The Board considered your contentions that you were improperly briefed during a selection board and that you were targeted on the board by a board member. The Board also considered your assertion that you met and exceeded the requirements for promotion and that a career counselor also couldn't find anything that would have prevented you from being selected for promotion.
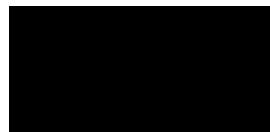
The Board, however, determined that you were properly considered and not selected for the rank of Colonel on the Fiscal Year (FY) 2008 through FY 2013 USMCR selection boards. The Board further noted that it is the responsibility of the Major Subordinate Commands to nominate only highly qualified officers to serve as board members based on their performance, maturity, judgment, and integrity. The Board also noted that the assignment of eligible officer cases to

each board member is accomplished randomly by computer amongst the board members and the precept clearly establishes that the selection standard for all eligible officers is "best and fully qualified" for promotion to the next higher grade and that each eligible In-Zone officer receives a full brief from the member assigned to his case. Finally, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board noted that there is no evidence in the record, and you submitted none other than your statement, that you were unduly targeted by a board member or that your record wasn't properly briefed during a selection board. The Board further noted that the FY 08 Precept has no record of the Colonel, you identified as the individual responsible for not properly briefing your case, ever serving on the board in any capacity. Based on these factors, the Board determined insufficient evidence of an error or injustice exists to warrant a SSB in your case.

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,

6/3/2022

Executive Director