



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: 2072-22

Ref: Signature Date

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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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 July 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, as well as the 10 June 2022 advisory opinion (AO) furnished by Headquarters Marine Corps (MMRP-50).

The Board carefully considered your request to remove all of your failures of selection (FOSs). The Board considered your contention that your record contained material errors of fact relating to three fitness reports that were process with competitive marks prior to the completion of primary Military Occupational Specialty (MOS) School. You also contend that the Marine Corps Performance Evaluation Review Board (PERB) approved the correction to your record and changed three fitness reports to be not observed/academic reports. You claim that the errors existed in your record during the fiscal year (FY) 2020 through FY 2023 Major Promotion Selection Boards (PSBs).

The Board noted that the AO recommended to remove your FOSs based upon the approved corrections to your record. The Board, however, determined that the corrections to your record are not substantively sufficient to warrant removal your FOSs. The Board also noted that the purported errors have existed in your record for more than 10 years and found no evidence that the errors negatively affected your record or caused you to fail selection for promotion.

Moreover, SECNAVINST 5420.193 requires applications for correction to your record to be filed within three years after discovery of the alleged errors. The Board found no justification other than a review by the career counselor to explain the basis for the significantly late submission. The Board determined that members are provided sufficient notice and instructions regarding the convening and preparation for PSBs. In this regard, the MARADMINs and Marine Corps website provide that each officer is personally responsible for ensuring the accuracy and completeness of their Official Military Personnel File and Master Brief Sheet before the date the board convenes. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting further 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,

7/13/2022

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Deputy Director

Signed by: █