



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

██████████  
Docket No. 2915-22  
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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 19 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 April 2019 decision by the Marine Corps Performance Evaluation Review Board (PERB), the 11 May 2022 Advisory Opinion (AO) provided by the Manpower Management Promotions Branch (MMPR-2), and your 30 June 2022 response.

The Board carefully considered your request to backdate your date of rank in the grade of Gunnery Sergeant (GySgt) to the date you would have received if selected by the FY 2013 GySgt Promotion Selection Board (PSB). You argue that a Section I comment in your 1 January 2012 to 2 April 2012 fitness report, since removed by the PERB, diminished the impact and value of the fitness report in a small competitive military occupational specialty (MOS) leading to your failed selection for promotion by the FY 2013 GySgt PSB.

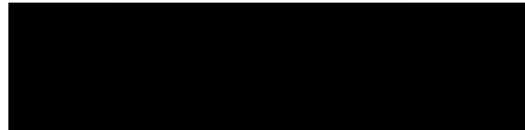
The Board, however, substantially concurred with the AO that your request lacks due diligence. The Board did not find your arguments in response to the AO persuasive. Ultimately, the Board determined your reasons for not seeking a PERB correction until six years after the FY 2013 PSB were inadequate to explain the extreme delay. In making this finding, the Board noted that PSB members select those eligible Marines who are determined by a majority vote to be the best and fully qualified among their peers, based upon a comparative review of the records of all


Marines competing for promotion to the next higher grade. The Board further noted that you were properly considered and selected for promotion by the FY 2016 GySgt PSB with the fitness report in your record, prior to the PERB correction. As such, the Board thus concluded that there is insufficient evidence of error or injustice related to your non-selection by the FY 2013 GySgt PSB. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

8/2/2022

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Deputy 

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