



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: 4104-22
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.

A three-member panel of the Board, sitting in executive session, considered your application on 15 September 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 the 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, applicable statutes, regulations, and policies, as well as the Advisory Opinion (AO) furnished by the Navy Personnel Command (PERS-80) dated 26 July 2022. The AO was provided to you on 11 August 2022 and although you were given 30 days in which to submit a response, you chose not to do so.

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 be retroactively selected for promotion to the rank of Captain (O-6) for the Fiscal Year (FY) 2023 Active-Duty Navy Captain Line (AO6L) Public Affairs Officer Promotion Selection Board (PSB). However, the Board concurred with the AO that it does not have the authority to grant this relief. The Under Secretary of Defense Personnel and Readiness Memorandum dated 10 February 2015 specifically states that Military Department correction boards do not have the authority to appoint military officers. As pointed out in the AO, the Board noted that you did not claim that the actions of the PSB were contrary to law, involved material or administrative error, or that the PSB lacked material information for consideration. The Board further noted that the petition included no evidence that your record was not given fair and equitable consideration during the PSB. Consequently, the Board

determined that no relief can be granted and your non-selection to Captain by the FY-23 Active-Duty Navy Captain Line (AO6L) Public Affairs Officer PSB will remain in your record. 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,

9/29/2022

