



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

█  
Docket No: 4268-22

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 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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 change your date of rank (DOR) for promotion to Chief Warrant Officer-3 (CWO3) to reflect your selection during the Fiscal Year (FY) 2014 CWO promotion selection board. The Board considered your contentions that after the Marine Corps Performance Evaluation Review Board's (PERB) decision and the removal of your failures of selection (FOSs) by this Board, you were selected for promotion to CWO3 on the very next selection board (FY 2019), and promoted to CWO4 on the FY 2022 selection board. You assert that this substantiates the basis for backdating your promotion to CWO3.

The Board noted that you were not selected for promotion to CWO3 by a special promotion selection board held on 7 December 2017. Thus, the Board determined that your record was previously considered and not selected by the FY 2014 CWO special promotion selection board

according to SECNAVINST 1402.1. The Board also noted that your record was properly considered by the FY 2018 CWO promotion selection board and you were not selected. Based on these two non-selections after the aforementioned changes were made to your record, the Board found no evidence that you were more competitive during any boards prior to the FY19 board or that you would have been selected by the prior boards. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting the backdating of your promotion to CWO3. 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,

7/29/2022

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Deputy Director

Signed by: █