



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

█  
Docket No. 5482-22  
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 22 December 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 13 September 2022 Advisory Opinion (AO) provided to the Board by Navy Personnel Command (PERS 80) and your rebuttal statement dated 29 November 2022.

The Board carefully considered your request for the following relief: 1) Correction of service record to reflect the grade of "O6 select and O6 when promoted" and 2) Restoration to the Reserve-Active Status List (RASL) for continuation of service and impending promotion to Captain in Fiscal Year (FY) 2023. You advised the Board that you were selected for promotion to Captain by the FY 2023 Reserve Captain Line Promotion Selection Board which convened 31 January 2022, one day prior to your involuntary retirement date. You argue that your record should have been "set aside or flagged" given your impending retirement but since it was not, you were still on the RASL and "rightly selected for promotion against a group of highly competitive peers." You further contend that since you are now on a promotion list to a higher grade, and in accordance with SECNAV Instruction 1920.6D, you should not have been involuntarily released from active duty.

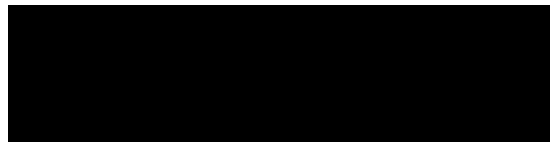
The Board, however, substantially concurred with the AO. Specifically, the Board noted you were discharged from active duty as a Navy Reserve Full Time Support Unrestricted Line Officer on 31 January 2022 and transferred from the RASL to the retired list on 1 February 2022 due to "non-selection permanent promotion" after twice failing selection. The Board also noted

officers selected for promotion are not placed on a promotion list until the board report is approved by the President. Since the FY 2023 Reserve Captain Line Board Report was not approved until 26 April 2022, the Board determined you were not on a promotion list when discharged and transferred from the RASL to the retired list. The Board concurred with the AO that your name should have been administratively removed from the promotion list. Based on the available evidence, the Board regrets that administrative errors “aggravate[d] matters in an already difficult transition” but concluded legal statutes and authorities, do not support granting your requested 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,

1/18/2023

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Deputy Director

Signed by: 