



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. 6252-22
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 applications on 27 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 this Board. Documentary material considered by the Board consisted of your applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board carefully considered your request to be placed on remedial promotion consideration for Fiscal Year (FY) 2021 for selection to the grade of Gunnery Sergeant (GySgt)/E-7. The Board considered your contention that you submitted and was denied the opportunity to be considered by the Performance Evaluation Review Board (PERB). You claim that you were given a promotion number for Fiscal Year (FY) 2022 to remedy the issue rather than the remedial consideration and back pay for the previous FY.

The Board, however, determined that, in accordance with the Performance Evaluation System (PES) Manual guidance and corresponding Marine Administrative Messages (MARADMINs) 336/20 and 084/21, you were required to ensure your own service record was complete and accurate prior to the convening of the FY 2021 Selection Board. The Board noted the removal of your fitness report (FITREP) for the reporting period 6 June 2020 to 31 December 2020; however, it also noted that you became aware of the injustice prior to the submission of the Fitrep and convening of the selection board. In accordance with the Enlisted Promotions Manual (ENLPROMMAN), Marines are required to exercise due diligence in identifying errors, discrepancies, or an injustice in a timely manner and initiate appropriate action prior to the convening of the selection board which considered but did not select the Marine. The Board

noted your request for remedial promotion consideration and, despite your claim that you believe you took every reasonable step to correct the injustice and you would have been promoted if not for the error, you failed to provide any evidence to show you exercised due diligence prior to the convening of the FY 2021 Selection Board in attempting to fix the error. Furthermore, per the MARADMINs noted above, you were well aware of the scheduled convening date of the FY 2021 GySgt Selection Board. The Board was not convinced that you took appropriate measures in ensuring the accuracy of your Official Military Personnel File and Master Brief Sheet prior to the convene date of the board. Therefore, the Board concluded that your request is lacking in sufficient evidence of a material probable error, substantive inaccuracy or injustice warranting remedial promotion consideration. 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,

10/18/2022

