



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: 6546-22
Ref: Signature Date

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Dear Petitioner:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 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 application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

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 for the Fiscal Year (FY) 2022 Enlisted Remedial Selection Board (ERSB) to consider you for selection to the grade of Master Sergeant (MSgt)/E-8. The Board considered your contentions that the Reviewing Officer was late submitting the report and therefore you did not have enough time to begin the correction process prior to the Board convene date.

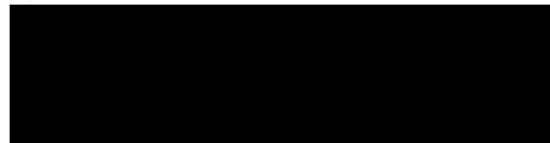
The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. The Board, however, determined that your contentions are without merit. In this regard, the Board substantially concurred with Enlisted Promotions Section that your request should be denied. Pursuant to MCO P1400.32D W/CH 1, Marines are responsible for ensuring their record is complete before the board convenes. Due diligence requires that a Marine identify errors, discrepancies, or an injustice in his or her record

in a timely manner and initiate appropriate corrective action. Accordingly, a Marine's request for remedial consideration must detail the steps taken to ensure the completeness and accuracy of his or her official record prior to the convening of the selection board which considered but did not select the Marine. The Board found no such details of the steps you took in your case. Further, the Board noted that the decision to forward a request for remedial consideration to the ERSB is made based upon the merits of the individual request and the timeliness of submission. While the Board understands that the corrected fitness report, that forms the basis for your request, was submitted late, the Board requires additional information why there was an apparent delay between the submission of the fitness report and your request to the PERB. As a result, the Board concluded there was insufficient evidence of an error or injustice that warrants your request for remedial consideration to MSgt for FY22. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

10/20/2022

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Executive Director

Signed by: 