

DEPARTMENT OF THE NAVY

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

> Docket No. 6731-22 Ref: Signature Date

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 18 October 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. Although you did not request it, the Board also considered your failed selection to the FY 2022 GySgt Selection Board. The Board considered your contention that you received the recently modified unjust Fitness Report (Fitrep) for the reporting period 1 January 2021 to 10 March 2021, one day before the FY 2021 GySgt Selection Board pulled the data from your record for consideration. You claim that you were on _______ from March 2021 to January 2022, which was your priority, and had limited connectivity. You further claim that upon your return, you immediately began corrective action and believe that you have shown due diligence in correcting your record.

The Board, however, determined that, in accordance with Performance Evaluation System (PES) Manual guidance and corresponding Marine Administrative Messages (MARADMINs) 336/20, 084/21, and 406/22, you were required to ensure your own service record was complete and accurate prior to the convening of the both the FY 2021 and 2022 GySgt Selection Boards. Furthermore, 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 and the subsequent modification of your Fitrep by Headquarters Marine Corps Manpower Management Records and Performance Branch; however, concluded that you were aware of the injustice prior to the submission of the Fitrep and convening of the FY 2021 Selection Board, and should have made it a priority to correct any deficiencies. The Board further noted your request for remedial promotion consideration was submitted approximately one year after the FY 2021 Board convened and thirteen days before the convening of the FY 2022 GySgt Selection Board. The Board, however, determined that you failed to provide any evidence to show you exercised due diligence in a timely manner prior to the convening of both FY Selection Boards. Furthermore, per the MARADMINs noted above, you were well aware of the scheduled convening dates of both Selection Boards and it was your responsibility to ensure your service record was accurate and if not, to take measures to correct any errors. The Board was not convinced you were not able to take appropriate measures while Task Force, despite your contention that you had limited resources to do so. The Board thus 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.

