



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

█  
Docket No. 7434-22

Ref: Signature Date

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█  
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Dear █

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 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 application, 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 considered for promotion to E-7 by the Fiscal Year (FY) 2020 through 2022 Enlisted Remedial Selection Board (ERSB). The Board considered your contention that you recently requested remedial promotion and the Marine Corps Enlisted Promotions Branch (MMPR-2) denied your request for not exercising due diligence. You believe you have exhausted all administrative means to try to correct the adversity in your record. You explained that your Sergeant Major reached out to the Commanding Officer (CO) that imposed non-judicial punishment (NJP) and convinced him to set-aside the NJP because your civil charges were rejected.

The Board noted that you received NJP on 29 January 2016, during 2021 your former CO submitted a requested to set aside your NJP, and your record was corrected by removing your adverse fitness report, NJP, and associated adverse material. The Board, however, substantially concurred the determination by MMPR-2 that you did not exercise due diligence. In this regard, the FY 2020 Gunnery Sergeant (GySgt) promotion selection board convened on 7 July 2020, and the FY 2021 GySgt promotion selection board convened on 20 April 2021. The Board also noted that you did not submit an application for correction to your record until after the

convening of the FY 2021 GySgt promotion selection board. The Board noted, too, that according to the Marine Corps Enlisted Promotion Manual, the Marine must identify and detail the steps taken to ensure the completeness and accuracy of their official record prior to the convening of the selection board that did not select the Marine. In addition, due diligence requires that a Marine identify error, discrepancies, or an injustice in his/her record in a timely manner and initiate appropriate corrective action. The Board further noted that your NJP had been in your record since January 2016 and determined that your petition failed to detail any steps that were taken to appeal or to have the NJP removed from your record in a timely manner. The Board also determined that your evidence was insufficient to demonstrate that you met the requirement for due diligence to be considered by the FY 2020 through FY 2022 GySgt ERSBs. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

10/28/2022

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Deputy Director

Signed by: █