



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

██████████
Docket No. 7941-22
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 3 January 2023. 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 remove your promotion hold to Master Chief Petty Officer/E-9. The Board considered your contentions that you were punished at nonjudicial punishment (NJP) and, as a result, action was taken to withhold your advancement date. You assert that other Sailors involved were never punished.

The Board, however, determined that there was no error in the action taken by your command to withhold your advancement date due to allegations of unauthorized disclosure of the Fiscal Year 2022 E-8/E-9 Selection Board results. The Board noted you were notified on 14 June 2021 that Navy Personnel Command (NPC) directed the review of reportable information and you acknowledged the withholding of your advancement on 15 June 2021. The Board further determined that based on the evidence provided, the decision made by NPC was prior to your 16 June 2021 advancement date, in accordance with BUPER Instruction 1430.16G (Advancement Manual for Enlisted Personnel of the U.S. Navy and U.S. Navy Reserve). The Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy, or injustice warranting removal of your promotion hold and advancement to the rank of E-9.

With regard to your contention that other Sailors were involved but not punished, the Board determined it does not have purview over your allegation of them, and that it does not exonerate your involvement or make your Command's decision to withhold your advancement invalid.

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,

1/30/2023

