



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

█
Docket No. 8772-22
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 application on 28 February 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 application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies as well as the 16 January 2023 advisory opinion (AO) provided by the Manpower Management Officer Promotions Branch (MMPR-1). The AO was provided to you on 19 January 2023, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request for retention in the Marine Corps due to twice failing selection for promotion, correction of your Career Retirement Credit Report (CRCR), and consideration for promotion to Major (Maj/O-4) during the Fiscal Year (FY) 2024 Reserve Maj Promotion Selection Board (PSB). The Board considered your contention that a clerical error adding you to █ in 2019 caused you to be considered on a promotion board that you should not have been on, which resulted in your separation for twice failing selection for promotion. You claim that you have served honorably in the Marine Corps since 2008, you have not had any conduct issues, you have combat experience, and received multiple personal awards throughout your service. You also claim that your experience and expertise in joint operational environments is an asset to the Corps, you are excited to continue serving the Corps, and have even volunteered for a six-month deployment during 2023.

The Board, however, substantially concurred with the AO. In this regard, the Board noted that according to your chronological record, you were joined to [REDACTED], Selected Marine Corps Reserve (SMCR)-Individual Mobilization Augmentee (IMA) on 18 November 2019 and were not considered by the FY 2021 USMCR Major PSB due to having less than one year on the Reserve Active Status List. The Board also noted, subsequently, you were appropriately considered by the FY 2022 USMCR Maj PSB, as an in-zone eligible officer. Based on this evidence, the Board did not find that your chronological record is in error or that you were prematurely considered as an in-zone eligible officer. In making this finding, the Board noted that you provided no evidence in support of your contentions that an error or injustice exists. Thus, the Board determined that your application lacks sufficient evidence to warrant the removal of your failures of selection. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Concerning your request to correct your CRCR, the Board determined that your request is administrative in nature and you have not exhausted your administrative remedies by submitting a request to Marine Corps Reserve Affairs.

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,

3/11/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]