



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. 123-23
Ref: Signature Date

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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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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 modify your date of rank (DOR) to 1 August 2015, in addition to backdated pay and allowances. The Board considered that your name was removed from the Fiscal Year (FY) █ and you were not considered for promotion again until the FY 2019 Major Promotion Selection Board (PSB). You contend that you never failed selection for promotion by any PSB and without the removal of your name from the promotion list, your DOR would have been 1 August 2015. You claim that despite the non-judicial punishment (NJP) and adverse fitness report you were again selected for promotion. You also claim that the Marine Corps Officer Promotion Manual specifically addresses this situation and allows for an officer to obtain the original DOR.

The Board noted that you received NJP on 20 August 2015 for violating Uniform Code of Military Justice (UCMJ) Articles 92 and 111. The Board also noted that you pleaded guilty and the Commanding General [REDACTED] found you guilty at NJP. As a result, your name was subsequently removed from the [REDACTED] t by the Secretary of the Navy. The Board determined that your misconduct not only violated the UCMJ, your conduct raised questions regarding your judgement and suitability for promotion at the time. As a result, the Board concluded that you were appropriately removed from the [REDACTED] and a modification to your DOR is not warranted. The Board found there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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.

Sincerely,

3/14/2023

[REDACTED]