



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

██████████  
Docket No. 974-23  
Ref: Signature Date

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Dear Petitioner:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 14 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.

The Board carefully considered your request to convene a Fiscal Year (FY) 2022 Enlisted Remedial Selection Board (ERSB) for promotion to gunnery sergeant (GySgt)/E-7. The Board considered your claim that your fitness report for the reporting period 1 July 2021 to 31 December 2021 was removed by Marine Corps Performance Evaluation Review Board (PERB). You contend that you exercised reasonable diligence warranting consideration to be reassessed by the FY22 GySgt Selection Board.

The Board noted that the PERB approved a correction to your record by removing your fitness report for the reporting period 1 July 2021 to 31 December 2021. The Board also noted that the FY 2022 GySgt Promotion Selection Board (PSB) convened on 26 April 2022, adjourned on 23 June 2022, and your request for corrective action was submitted on 7 July 2022. The Marine Corps Enlisted Promotions Manual requires that you identify errors, discrepancies, or an injustice in your record in a timely manner and initiate corrective action prior to the convening of the selection board which considered but did not select you and your request for remedial consideration must detail the steps taken to ensure the completeness and accuracy of your record. In consideration of the totality of your evidence, the Board determined that you failed to take actionable steps to correct your record prior to the convening of the FY 2022 GySgt PSB, and

concluded with the Marine Corps Promotion Branch's (MMPR-2) decision to deny your request for an ERSB. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

3/8/2023

