



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

█  
Docket No. 1523-23  
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 application on 11 May 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 15 March 2023 advisory opinion (AO) furnished by the Marine Corps Records and Performance Branch (MMRP-50). The AO was provided to you on 22 March 2023, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

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 to remove your Fiscal Year (FY) 2024 USMC Lieutenant Colonel (LtCol/O-5) failure of selection (FOS). The Board considered your contention that there was a material error of fact, specifically, the Marine Corps Performance Evaluation Review Board (PERB) correction to your record was not submitted before the FY 2024 promotion board convened. You also contend that material information was absent from your record, specifically, your Marine Corps Martial Arts (MCMAP) certificates were erroneously deleted before the FY 2024 promotion board convened. You further contend that you submitted two additional request for corrections to the PERB.

The Board substantially concurred with the AO that your justification is not substantive enough to warrant the removal of your FOS. In this regard, the Board noted that the PERB approved a correction to your record changing the reviewing officer (RO) mark from block 4 to block 5 on an annual fitness report for the reporting period 1 June 2016 to 31 May 2017. The Board also noted that contrary to your contention, the AO confirmed that your corrected record was updated and available for the FY 2024 LtCol PSB review. The Board found no evidence that your MCMAP certificates were deleted. Regardless, the Board determined that a record of your training was available for the PSB to review. In addition, consideration for promotion to LtCol would include your entire record and MCMAP training would constitute a very small element of your overall performance record. The Board also determined that material not yet approved by the PERB is not ripe for consideration in this case and the change to your record was not significant enough to alter the board's perception of your record. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting 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,

5/26/2023

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Deputy Director

Signed by: █