



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. 1881-23
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 20 April 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.

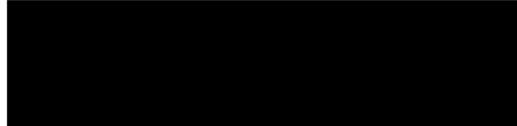
The Board carefully considered your request to have your selection to E-7 backdated to 2012. The Board noted that after “numerous attempts,” you recently had a fitness report, which covered the reporting period 1 January 2009 to 26 June 2009, removed from your record. You further contend the adverse report severely hindered your selection to E-7 because your performance record had been exceedingly competitive prior to the addition of the adverse report. Now that you have attained the rank of E-8, you contend your record “should be corrected and reflect the year [you] would have been selected,” but for the adverse report.

The Board carefully considered your request to backdate your selection to E-7. However, the Board noted you promoted to E-7 in 2016 and promoted to E-8 in September 2020, while the adverse report was in your record. The Board determined your contentions are undermined by the fact you ultimately promoted with the report in your record, not once but twice. The Board thus concluded there was insufficient evidence of an error or injustice to warrant backdating your selection to E-7. 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,

5/11/2023

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Deputy Director

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