



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. 4339-23
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 1 June 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 for remedial promotion consideration during the Fiscal Year (FY) 2018 and FY 2019 Gunnery Sergeant (GySgt) Selection Boards. The Board considered that your 2018 counseling entry was removed from your record during December 2022. You provide that you were considered and selected for remedial promotion by the FY 2020 selection board with a 1 September 2020 effective date of rank. You contend that you could not submit a request to the Marine Corps Enlisted Promotion Branch (MMPR-2) for any selection board over three years. You claim that you were first eligible for promotion during 2018 had the counseling entry not been included in your record.

The Board noted that, according to your promotion record, you were in the below zone during the FY 2018 GySgt Selection Board. According to the Marine Corps Enlisted Promotion Manual (ENLPROMMAN), Marines in the below zone possess the minimum time in grade necessary to be eligible for promotion to the next higher grade, but are not in the promotion zone. The Board determined that because you were not in the promotion zone, there is no expectation of promotion from the below zone. In addition, request for remedial consideration from the below zone does not constitute a basis for consideration.

Regarding the FY 2019 GySgt selection board, the Board also noted that the counseling entry was entered in your record prior to the convening of the FY 2019 GySgt selection board and found no evidence that you took corrective action until 17 November 2020. The ENLPROMMAN requires due diligence, therefore a Marine must identify errors, discrepancies, or an injustice in his or her record in a timely manner, initiate appropriate corrective action, and the request must detail the steps taken to ensure the completeness and accuracy of his or her official record prior to the convening of the selection board which considered but did not select the Marine. Based on your delay in seeking corrective action, the Board concluded you failed to exercise due diligence to remove the counseling entry before the FY 2019 GySgt selection board. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting your remedial promotion. 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,

6/13/2023

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Executive Director

Signed by: █