



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

█  
Docket No. 7507-23  
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 30 November 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 effective 1 September 2022 which you contend would “rectify the unjust disruption to [your] career trajectory, aligning it with the original promotion date [you were] slated for before being improperly and inequitably unselected.” You further contend the correction is “urgently needed due to procedural failures and oversight” and will “rectify these lapses and restore the integrity of [your] service record.” You also contend you were “unselected” for promotion around 6 September 2022 without receiving the mandatory Administrative Remarks (Page 11) entry. Additionally, you contend you were selected for promotion before your End of Active Service (EAS) date of 31 July 2023. Your contentions repeatedly note your commanding officer (CO) acted improperly, inequitably, and inconsistently by initially recommending you for promotion then unselecting you. Lastly, you emphasize that your CO attempted to override the Administrative Separation Board, which found no basis for your separation.

In its careful review of your record and submission, the Board noted your CO imposed nonjudicial punishment (NJP) on 17 June 2021 for violation of a lawful order. Specifically, you were found guilty of providing alcohol to a person under the minimum drinking age of 21 years and two specifications of wrongfully engaging in an unduly familiar relationship that did not respect the differences in rank between yourself and a Private First Class and a Lance Corporal. You were awarded a reduction in rank to Corporal. Additionally, you were formally counseled (6105 counseling entry) on 17 July 2021 following the NJP, and also acknowledged a Page 11 entry that

you were eligible but not recommended for promotion to Sergeant for a period of three months due to the NJP, which you signed. The Board noted you did not appeal the NJP nor did you choose to submit statements in rebuttal to the 6105 counseling and Page 11 entries. The Board further noted the Page 11 of 19 July 2021 that explained the timeline involved with a Command Investigation into sexual harassment allegations against you by numerous Marines, which included the CO's substantiation of the allegations and the denial by the Commanding General of your appeal. On 18 January 2022, the Board noted you were formally counseled for violations of Article 92 (failure to obey) of the Uniform Code of Military Justice. Specifically, on 4 January 2022, an allegation of sexual harassment was substantiated against you based on a comprehensive Command Investigation. The Board also noted your 24 January 2022 rebuttal to the counseling entry, denying the allegations. Further, the Board noted you were again counseled on 9 November 2022 after the completion of a command investigation on 25 October 2022 that found you intentionally withheld your enlistment status from an employer, an act that was determined to be unbecoming of a noncommissioned officer in the U.S. Marine Corps. Based on your disclosure of administrative processing and the Board's review of the timeline associated with the administrative separation processing, the Board noted you were in a promotion restriction status from July 2022, the 12-month promotion restriction start date due to "awaiting ADSEP," to July 2023, the end of the restriction period and a date following the Commanding General's decision to retain you. Lastly, the Board noted you were discharged on 31 July 2023 at the completion of your required active service with an honorable characterization of service and assigned a RE-4 (not recommended for reenlistment) reentry code. Based on the above timeline and after careful consideration of your contentions, the Board noted that although your record does not contain a Page 11 reflecting the promotion restriction but your record also is devoid of your CO's recommendation or authorization for promotion, which is required for promotion. Additionally, the Board noted a review of your record indicates you were selected for promotion 1 August 2023, not prior to your EAS of 31 July 2023, and determined you do not rate that promotion because you had been discharged. The Board also carefully considered your contentions regarding your CO and concluded there was insufficient evidence of an error or injustice in his handling of your numerous performance and misconduct events. Based on the available evidence, the Board concluded there was insufficient evidence of an error or injustice warranting your requested 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,

12/19/2023

