



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. 8927-23
Ref: Signature Date

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Dear █

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 14 December 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 1 November 2023 Advisory Opinion (AO) provided by the Manpower and Reserve Affairs Department (MMPB-11). The AO was provided to you on 3 November 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.

The Board carefully considered your request for promotion to Sergeant. You contend you were eligible for Sergeant but disqualified after being placed on the Body Composition Program (BCP) despite having suffered from numerous injuries requiring prednisone. You further contend you warrant promotion because you “made good on [your] word many times to perform above and beyond during war time.” Additionally, you contend your promotion is “deserved because no chance was given to refute disqualification of promotion” and you “excelled at a number of things and performed many different and new duties per the need.” Lastly, you contend that even after you suffered a “devastating injury,” you “continued to train,” “did not seek medical separation,” and earned an honorable discharged.

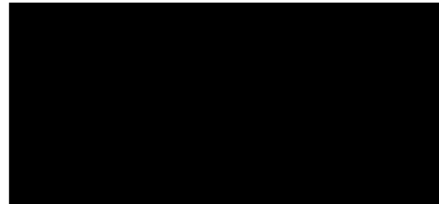
The Board, however, substantially concurred with the AO and concluded your record should remain unchanged. In addition to being assigned to BCP in the summer of 2005, the AO notes

that you did not meet or exceed the composite score for your Military Occupational Specialty and regardless of your assignment to BCP or record of accomplishments, you would not have been eligible to be promoted to Sergeant. Based on the available evidence, the Board concluded there is 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,

1/8/2024

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