



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. 9070-23
Ref: Signature Date

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Dear Petitioner:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 14 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.

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 pass for promotion by the Fiscal Year (FY) 2023 Sergeant Major through Master Sergeant Promotion Selection Board. The Board also considered your contention that although you were in the below-zone according to the official MARADMIN, you were briefed as in-zone. Finally, the Board considered your assertion that the Promotion Branch (MMPB-11) claims that the zone was expanded but never published, as well as your claim that a fellow E-7 that was also in-zone and not selected did not receive a pass for promotion.

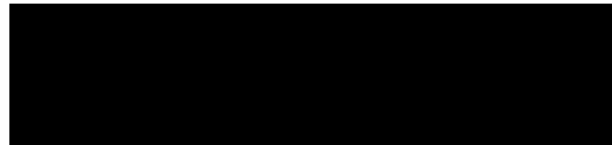
Upon review and consideration of all the evidence of record, the Board concluded that your request does not warrant corrective action. In this regard, the Board noted your contention that you were in the below-zone and later moved to the in-zone population while the Board was still in session, as well as your contentions in the aforementioned paragraph, however the Board

determined that MCO P1400.32D, paragraph 3102.3 defines the responsibilities of *eligible* Marines as “in the above zone, promotion [“in-zone”], and below-zone” and a Marines responsibility to comply with subparagraph guidelines. Additionally, MARADMIN 449/22 provided additional clarification that “[a]s zones and allocations are subject to change prior to or during the board, all Marines are reminded of their responsibility for the completeness and accuracy of their records.” As such, the Board determined that although the updated zones were not published in the approved MARADMIN, you were properly considered but not selected. Additionally, the Board noted that you were granted remedial promotion consideration by Headquarters, Marine Corps and notified of your non-selection on 6 June 2023. Lastly, regarding your claim that a fellow E-7 was also in-zone and not selected but did not receive a pass for promotion, the Board weighs each case on its merit and the purported status of another Marine's record has no bearing on your case. Thus, the Board concluded there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

12/1/2023

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Deputy Director

Signed by: 