



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. 9661-23
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 applications on 30 January 2024. 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board determined that your personal appearance, with or without counsel, would 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 restore your promotion to the rank of first lieutenant (1stLt) to 28 May 2023, the date you were originally scheduled to be promoted. The Board considered your contention that you logged in a fake appointment as a student at the Basic School in order to leave a day earlier to spend with your family, as you had previously observed other student lieutenants committing the same action, to include the Company Commander. You state that he, as well as others, had done so without any retribution or adverse action. You quoted an excerpt from Marine Corps Order 1400.31D, section 6009, paragraph 3, which states, "...the date of rank for officers recommended for promotion after being withheld from nomination or after being delayed will normally be the date of rank and lineal control number he or she would have held if not for the delay." You believe you should be promoted with the

original date of rank based on your command's recommendation and since there was no cause for the Commandant of the Marine Corps (CMC) to differ from your chain of command.

The Board, however, determined, upon review of your record, your scheduled promotion to 1stLt was appropriately delayed based on your misconduct. Per SECNAVINST 1412.6M, the CMC is the decision making authority to determine if a second lieutenant is qualified for promotion and to determine the effective date of rank. The Board noted that the date of rank authority rests with the CMC and his action to adjust your promotion date to 6 April 2024 remains valid. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action to change your promotion date. 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,

2/28/2024

