



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. 1090-24
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.

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 27 February 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 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 promotion to E-7 effective 2008. The Board considered your contention that the Command Master Chief (HMCM) favored a female Sailor and had his friends that sat on the selection board select the underqualified female Sailor. You also contend that getting his friends to promote the female Sailor, the HMCM violated the Navy Fraternalization Policy, U.S. Navy Regulations, SECNAVINST 5300.26C, and OPNAVINST 5354.1D. You claim that after your retirement, you learned that the HMCM had a sexual relationship with the female Sailor and the HMCM was reduced to E-8 prior to retirement. You also claim that the HMCM took your selection board package aside and you did not get the promotion you deserved.

The Board considered your contentions that the HMCM influenced the selection board members, however, the Board found no evidence, other than your statement, to support any of your contentions. Additionally, the Board found no evidence that your record was not properly considered for promotion during the 2008 Chief Petty Officer selection board, and you provided none. Pursuant to BUPERSINST 1430.16, "Enlisted personnel are advance to paygrades E-7 through E-9 after selection by a board convened by the Chief of Navy Personnel

(CHNAVPERs). The CHNAVPERs is the sole authority for the advancement of personnel to paygrades E-7 through E-9.” Moreover, the Board found no evidence of your selection by any subsequent promotion boards convened by the CHNAVPERs prior to your retirement. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

3/11/2024

