



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

[REDACTED]  
Docket No: 5596-17

JAN 03 2018

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 November 2017. 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 also considered the advisory opinion provided in Headquarters, Marine Corps memorandum 1000 RAP and your rebuttal statement.

The Board, in its review of your entire record and application, carefully considered your desire to remove the failures of selection (FOS) you incurred by the FY17 and FY18 USMCR Major Promotion Selection Boards, to change your record to reflect that you were transferred to the Inactive status List (ISL), and to extend your mandatory removal date to 1 December 2018. The Board considered your argument that you were not aware of your eligibility for consideration by the Promotion Selection Boards while you were in the Individual Ready Reserve (IRR), and had you known that you were eligible, you would have properly prepared for the board and communicated to the board that you were enrolled in Expeditionary Warfare School (EWS) and of your intent to drill with the Selected Marine Corps Reserve (SMCR). The Board also considered your rebuttal argument that you were acting on the advice (that was provided during the IRR Muster) to request a waiver to avoid being placed on the ISL. Had you not requested the waiver, you would have been placed on the ISL, and therefore ineligible for the FY18 Board, whereby avoiding your second FOS and mandatory removal date. The Board also considered the advocacy letter provided by your current Commanding Officer. In considering your petition, the Board significantly concurred with the AO. The Board also noted that, even though you may have been acting on the advice to avoid transfer to the ISL, you requested to remain in the IRR, and therefore remained eligible for promotion consideration. The Board believed that you should have reasonably known, especially considering transitional classes from the Active Duty

List to the Reserve Active Status List, and your attendance at the IRR Muster, among other sources, that you were eligible for consideration by the FY17 and FY18 Promotion Selection Boards. After the IRR Muster and prior to the FY18 Board, you had a minimum of five months to prepare for it prior to the convening of that Board. The Board determined that removal of the FY17 and FY18 FOSs and changing your record to reflect that you were transferred to the ISL is not warranted. The Board noted that your mandatory removal date is governed by Law and it does not have the authority to adjust it to 1 December 2018. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,



Executive Director