

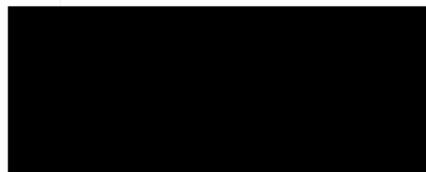


The Board also carefully considered your request to remove from your record all mention of your promotion withhold to captain. The Board considered your contention that your placement on the Body Composition Program (BCP) was 20 days after the date of the Promotion Withhold Letter and should not have been considered by the promotion board. You also contend that your command utilized fraudulent actions during the promotion withhold process. Specifically, you allege that you were not given the opportunity to properly rebut the promotion delay because you never received the promotion delay package. You assert that, as a result of the inaccuracies and fraudulent behavior, you were denied promotion to captain.

The Board noted that the 2 February 2010 Notification of Promotion Delay listed several reasons why your promotion to captain was delayed. Although one reason was for not meeting Marine Corps standards for height and weight, it was also noted that you failed to demonstrate proficiency in your military occupational specialty, that you had been counseled on several occasions for a general lack of knowledge, that you had failed to account for the location and status of the Marines under your charge, and that you were unable to maintain the physical fitness requirements of the Marine Corps. The Board thus concluded that even if the captain promotion board were not to have considered the BCP, there were other issues that validated the promotion delay. With regards to the allegations of fraudulent actions by the command, the Board noted that the command properly provided you with the Notification of Promotion Delay. You claim that you wrongfully never received any of the enclosures with the package; however, the notification only contained one enclosure, the acknowledgment of notice. Consequently, the Board determined that you received all materials with respect to your promotion delay and that your response to the promotion delay was properly included in your record.

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,

 11/21/2020

Deputy Director

Signed by: 