



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. 8528-23
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 application on 28 March 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, as well as the 12 February 2024 Advisory Opinion (AO) provided to the Board by Navy Personnel Command (PERS 80). The AO was provided to you on 21 February 2024, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to be promoted to the paygrade Lieutenant with a 1 June 2023 date of rank because administrative error resulted in the promotion board withholding your promotion to Lieutenant. Specifically, you contend that when the promotion board convened, your official record contained only fitness reports from your previous command, █, which included a "significant problems" report. Further, you contend your record did not contain your two fitness reports from your current command, █, and if the promotion board had been aware of your significant improvements onboard █, you would have promoted.

The Board, however, substantially concurred with the AO's discussion of your contended missing fitness reports. The Board noted you were considered by the Fiscal Year 2023 (FY 23) Active Duty Lieutenant All-Fully Qualified Officer List (AFQOL) #1 which convened 1 May 2022. According to the proceedings, the most recent fitness report in your record was the fitness report from █ covering the reporting period 24 December 2020 to 28 February

2022. This fitness report reflected a “significant problems” promotion recommendation and resulted in you being found not fully qualified for promotion to Lieutenant by the FY 23 AFQOL #1. Your failure of selection also resulted in you not being eligible for the FY 23 AFQOL #2 which convened 1 December 2022. The Board substantially concurred with the AO and determined there was no administrative error in the fitness reports that were considered by AFQOL #1. Specifically, the Board noted the [REDACTED] fitness reports currently in your record cover the reporting periods 1 September 2022 to 19 January 2023 and 20 January 2023 to 28 February 2023 – both periods ending after the FY 23 AFQOLs. Lastly, the Board also concurred with the AO that a supplemental or special AFQOL is not warranted because there was no administrative or material error that excluded or prevented proper consideration by FY 23 AFQOL #1. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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, _____

4/5/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]