



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

█  
Docket No. 9959-23  
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 29 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, as well as the 23 January 2024 Advisory Opinion (AO) provided to the Board by Navy Personnel Command (PERS 80). The AO was provided to you on 25 January 2024, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to be advanced to the next paygrade, Chief Warrant Officer 3 (CWO3), on 1 May 2024 in accordance with the Secretary of the Navy precept and promotion phasing plan for CWO3 selectees. You contend that when the Fiscal Year 2024 (FY 24) Active Duty CWO 5/4/3 Promotion Selection Board (PSB) convened, your record did not contain any adverse remarks and your fitness reports were not reflected in any of your records. You further contend the fitness reports, even though they were “already [o]nline in an approved Navy program, did not translate to a form the board could use.” Further, you contend your Officer Summary Record and Officer Data Card showed full qualification for CWO3 pending time in grade.

The Board, however, noting it does not have the authority to directly promote you to CWO3 without selection by a PSB, substantially concurred with the AO. The Board substantially concurred with the AO’s discussion of your contended missing fitness reports and the opportunity you had to communicate with the PSB which was carefully spelled out in the

1 December 2022 issuance of NAVADMIN 270/22 which discussed the new means of communicating with a PSB. Further, the Board, noting you have not exhausted your administrative remedies by petitioning Navy Personnel Command for a Special Selection Board (SSB), concurred with the AO's comment that a SSB is not warranted because you have not demonstrated that you maintained reasonably careful records in order to ensure the completeness and accuracy of your record prior to the FY24 Active Duty CWO3 PSB convening. 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,

3/27/2024

