



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. 1721-24
Ref: Signature Date

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Dear █

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 16 April 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 to back date your appointment to Warrant Officer (WO/W-1) effective 1 February 2022 and promotion to CWO2 effective 1 August 2023. The Board considered your contention that the Commander, █
█ Commanding General, █
█ and the Commandant of the Marine Corps (CMC) made recommendations, specifically referencing the Marine Corps WO and Limited Duty Officer (LDO) Accession Programs Order. You claim a 1 February 2022 date of rank would have resulted in promotion to CWO2 on 1 August 2023, consistent with the 18-month probationary period. You claim that you met The Basic School (TBS) induction requirements on 10 December 2021.

The Board noted that you were previously selected for appointment to WO, however, after failing the physical fitness test (PFT). On 21 May 2021, you received a counseling entry for failing the PFT resulting in disqualification from appointment to WO because you did not meet the TBS prerequisites. On 14 January 2022, a medical officer determined that you had unexplained bleeding from the colon that contributed to your PFT failure. On 30 June 2022, a previous Board granted relief by removing the counseling entry. After bringing the aforementioned corrective action to the attention of your chain of command, Commander,

█ endorsed a recommendation for your appointment to WO and recommended your appointment be effective the date you would have reported to the Warrant Officer Basic Course (WOBC). The CG, █ concurred with the recommendation, but noted that you will be required to meet all requirements for appointment to WO prior to reporting to TBS. After considering all references, the CMC determined that you were qualified for appointment to the grade of WO. Your date of rank would be consistent with when you passed the TBS induction requirements.

The Board determined that your appointment to WO effective 1 February 2024 is valid. The Board noted that appointed to WO is authorized after passing TBS induction requirements or as otherwise determined by the Deputy Commandant, Manpower and Reserve Affairs. When you failed the PFT, you were deemed not physically qualified and thus not appointed. The Board also determined that the Commander, █ endorsement was a recommendation. The CMC, as the appointing authority, authorized your appointment consistent with when you attended and passed the TBS induction requirements for WOBC. The Board found no evidence that you passed the TBS induction requirements prior to your current date of rank and you provided none. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting a change to your date of rank. 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,

4/30/2024

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