

DEPARTMENT OF THE NAVY

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

> Docket No. 6555-24 Ref: Signature Date

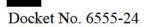


This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found 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 1 October 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 19 July 2024 advisory opinion (AO) provided by the Commander, Navy Personnel Command (NPC) (PERS-9). The AO was provided to you on 13 August 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 reinstate your commission on the Reserve Active Status List (RASL). You also request an opportunity to correct your service record for selection to lieutenant commander (LCDR/O-4). The Board considered your contention that neither you nor your unit received notification of your failure of selection (FOS) or separation from the Navy. You claim there were known deficiencies in your service record, unit leaders were gathering updates to correct your record. You request consideration of whether separation without notification or option to correct your record was justified. As evidence, you provided correspondence from the Commanding Officer, Navy Reserve Center (CO, NRC)

The Board, however, substantially concurred with the AO. In this regard, the Board noted that you were discharged after twice failing selection for promotion. The Board also noted that correspondence was sent to the addresses on record informing you and the CO, NRC of your discharge and second FOS. The correspondence from the CO, NRC confirmed that the address on file in Navy Standard Integrated Personnel System (NSIPS) was a legacy mailing address,



and your temporary physical address changed. The Board determined the accuracy of personal and unit information in NSIPS is the responsibility of each Sailor and unit. According to SECNAVINST 1420.3, the CNPC will issue a notice of the convening of a promotion selection board (PSB) at least 30 calendar days before the board is convened via NAVADMIN. The notice will include information to eligible officers regarding their right to communicate with the PSB and their responsibility to ensure their personnel records are substantially accurate and complete. The Board also determined that sufficient notification was available to you, which announced the PSB; there was also sufficient time after your first FOS to ensure your record was accurate. If you were unable to correct your record, you had the opportunity to communicate with the PSB by submitting a letter to the PSB. Moreover, according to SECNAVINST 1420.3, the accuracy of your record is the responsibility of each eligible officer. SECNAVINST 1920.6D provides the consequences and options after twice failing selection. Pursuant to policy, "an O-3 or O-4 who twice fails selection for, and is not on a list of officers recommended for promotion to the next higher grade will be Honorably discharged on the date requested by the officer and approved by SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for the second time is approved."

The Board further determined that your separation for twice failing selection was in accordance with statutory requirements. The PSB results and regulations regarding FOS were accessible to you online. Therefore, your failure to receive notification of your FOS and separation is not grounds for reinstatement on the RASL nor an opportunity to correct your record to be considered for promotion to LCDR. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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.

