



**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. 7130-24  
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 17 September 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 15 July 2024 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-32). The AO was provided to you, on 30 July 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to modify your Letter-Supplement for the fitness report ending 24 October 2022 by changing the date of the letter. The Board considered your contention that the "Progressing" promotion recommendation mark was an oversight. You claim the trait average indicates that you are a promotable officer and the Reporting Senior (RS) submitted a Letter-Supplement to correct the promotion recommendation. You also claim the Letter-Supplement was not submitted in time for the Fiscal Year (FY) 2024 All Fully Qualified Officer List (AFQOL) promotion selection, which caused you not to be eligible for lieutenant until the next year. You assert that backdating the letter would allow you to keep your lineal number and receive back pay.

The Board noted that you received a Detachment of Reporting Senior/Regular fitness report for the reporting period 1 March 2022 to 24 October 2022 with a promotion recommendation marked “Progressing” in a Summary Group of one. On 1 May 2023, the FY 2024 AFQOL selection board convened and you were not selected. This constituted your first failure of selection. On 26 September 2023, your former RS submitted a Letter-Supplement changing your promotion recommendation from “Progressing” to “Promotable.” The RS noted that the “Progressing” mark was an administrative oversight.

The Board, however, substantially concurred with the AO that your Letter-Supplement was properly submitted and filed in accordance with the applicable Performance Evaluation System Manual. As a result, the Board determined that a modification to the date of the Letter-Supplement is unwarranted and improper. 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.

According to SECNAVINST 1420.3C, “the officer’s most recent fitness report must have been submitted in compliance with Navy regulations, and marked at least promotable.” Because the Letter-Supplement changed your promotion recommendation to “Promotable” and was not available for the FY 2024 AFQOL screening board to consider, the Board determined that you might be entitled to a Special Selection Board (SSB). However, you must first exhaust your administrative remedies with the Navy by requesting a SSB in accordance with SECNAVINST 1402.1.

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,

10/3/2024

