



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. 7440-24
Docket No. 7444-24
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 10 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 3 July 2024 advisory opinion (AO) furnished by the Marine Corps Promotion Branch (MMPB-24) and your response to the AO.

The Board carefully considered your request to remove your failures of selections (FOS) for Fiscal Years (FY) 2025 and 2026. The Board considered that your request is based on modifications to your fitness reports for the reporting periods 1 April 2020 to 30 September 2020 and 15 December 2020 to 30 July 2021. In response to the AO, you contend no one can say what tipped the scale towards your non-selection by the FY 2025 promotion selection board (PSB). You assert that policy and experience hammer home the critical nature of the impacts from the errors and it is more than reasonable to deduce that these errors played a material part in the PSB's decision. Additionally, you disagreed with the AO's statement, that the potential for a different outcome is absent.

The Board, however, substantially concurred with the aforementioned AO that the combined changes to your fitness reports are not significant enough to have potentially altered the outcome of the PSB. In this regard, the Board noted that the Performance Evaluation Review Board approved a change to your record by increasing Reviewing Officer (RO) comparative assessments from block 6 to block 7 on the two fore mentioned fitness reports. The Board also

noted that the corrections to your record resulted in a negligible change to your RO cumulative and in grade profiles. Additionally, there was no change to your Reporting Senior profiles that indicate a high percentage of middle to lower third performance evaluations. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of your FOSs. 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,

9/21/2024

