



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. 7786-24
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 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.

The Board carefully considered your request to restore your promotion to lieutenant commander (LCDR/O-4). The Board considered your statement that you declined promotion to LCDR based on family needs. You were in civil court for the last seven years, and the financial and mental strain on the family led to hard career decisions. You claim at the time of the LCDR promotion results, you were in your seventh court case for legal custody of your children, which led to a decision to decline promotion and retire to seek stability. You also claim that you now have full physical custody and legal authorities to remain on active duty without detriment to the Navy or your family. You now desire to remain on active duty and to promote to LCDR.

The Board noted that you were selected for promotion to LCDR by the Fiscal Year 2024 Active Duty Navy LCDR Line Corps promotion selection board (PSB). The Board also noted on 22 January 2024, you declined permanent appointment to LCDR, which constituted a failure of selection. The Board acknowledged your desire to remain on active duty and for promotion, however, the Board determined there is no guidance or authority to effect a promotion after an officer has declined that promotion. Moreover, pursuant to the 10 February 2015 Under Secretary of Defense Memo, military department correction boards do not have the authority to remedy perceived errors or injustices by correcting records to show that an officer has been

appointed to a certain grade when the officer has not been appointed to that grade by the President or Secretary of Defense. 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.

Sincerely, _____

10/11/2024

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Deputy Director

Signed by: █