



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

██████████
Docket No. 7789-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 19 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 ██████████ Advisory Opinion (AO) provided by Headquarters Marine Corps, Officer Counseling Section (MMPB-24). Although you were afforded the opportunity to provide a response, you did not.

The Board carefully considered your request to remove the Fiscal Year (FY) 2025 and FY 2026 Failures of Selections (FOS) to the grade of lieutenant colonel. Your request is based on the Performance Evaluation Review Board's decision to correct your fitness report, for the reporting period 2 October 2009 to 31 January 2010 to "not observed."

The Board, however, substantially concurred with the aforementioned AO. In this regard, the Board concurred that the changed was not significant enough to change the perceived competitiveness of your record and would not have the potential to alter the outcome of either the FY 2025 or FY 2026 Lieutenant Colonel promotion selection boards. Moreover, the Board noted you provided insufficient evidence to conclude the fitness report received more than ten years ago when you were a second lieutenant caused your FOS. 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.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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

