



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

█  
Docket No. 8100-24  
Ref: Signature Date

█  
█  
█  
  
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 27 August 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.

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 for remedial promotion during the Fiscal Year (FY) 2023 Gunnery Sergeant (GySgt) selection board. The Board considered your contention that instead of five percent, 11.5 percent of Marines were selected from the below zone. This led you to believe that you were deemed not promotable. You opined the only reason you were deemed not promotable would be because your record reflected that you were not Professional Military Education (PME) complete. You also claim that you completed all PME prior to the promotion selection board (PSB) convening date. Alternatively, you opined that you were overlooked due to your promotion and/or armed forces active duty base date.

The Board, however, determined that you were properly considered for promotion during the FY 2023 GySgt PSB, and you were not selected. The Board found no evidence that you were overlooked due to your promotion and/or armed forces active duty base date. In this regard, the

Board noted correspondence from the Marine Corps Enlisted Promotions Branch (MMPB-1) noting that a review of the selection board record indicates that you were properly considered and viewed as PME complete by the FY 2023 GySgt PSB. Pursuant to the FY 2023 PSB precepts, the function of the selection board is to recommend staff sergeants for promotion to GySgt. Those Marines selected will be those staff sergeants whom a majority of the members of the board consider best qualified for promotion. Since the deliberations of promotion boards are not available for public access, the Board opined that you were not amongst those staff sergeants considered best qualified for promotion during the FY 2023 PSB.

Concerning the percentage of Marines selected from the below zone, pursuant to the FY 2023 PSB precept, no more than 10 percent of the selections for an Intended Military Occupational Specialty (MOS) shall be selected from the below zone. According to the correspondence from MMPB-1, the PSB selected 9.6 percent of your MOS allocations from the below zone and not 11.5 percent. This Board is not an investigative body and unable to verify your assumptions regarding zone placement and basis for selection of other Marines. The Board relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus concluded 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,

9/19/2024

