



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. 9221-24
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 8 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 as well as the 25 September 2024 advisory opinion (AO) provided by the Navy Personnel Command (PERS-80) and your response to the AO.

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 Special Selection Board (SSB) consideration for promotion to lieutenant commander (LCDR/O-4). The Board considered your statement that you were eligible for below zone (BZ) review as a Reserve Cryptologic Warfare Officer (Designator 1815) during the Fiscal Year (FY) 2025 Navy Reserve LCDR Line (RO4L) promotion selection board (PSB). Your request for re-designation as a Maritime Cyber Warfare Officer (Designator 1885) was approved prior to the convening of the FY 2025 RO4L PSB. You contend the Reserve Information Warfare Officer Community Manager (OCM) approved your re-designation with specific instructions to PERS-351 and the Reserve Officer Administration Branch (PERS-911) to hold re-designations until after the FY 2025 RO4L PSB results. You also contend that PERS-911 incorrectly processed your re-designation in May 2024, which caused PERS-8 to remove your record from the RO4L PSB causing you to lose your BZ opportunity for

consideration. You claim that you ensured your record was complete and accurate, and submitted a letter to the PSB. You acknowledge that this is not a statutory review; however, multiple BZ candidates were selected.

In response to the AO, you assert that PERS-80 confirmed that the injustice was due to no fault on your part. You concurred with the AO that statute does not explicitly require a SSB for lost BZ opportunities, though it does require convening SSBs for IZ or AZ opportunities. You disagreed that statute and policy “do not authorize” an SSB in the case of lost BZ promotion opportunities, statute does not require an SSB in this case, but it does not prohibit it. You claim that it falls within the spirit of the statute to provide a member with a promotion review opportunity if there was an error that prevented original consideration.

The Board, however, substantially concurred with the AO that your request to convene an SSB for BZ consideration is contrary to 10 U.S.C. section 14502 and SECNAVINST 1402.1. The AO acknowledged that the Reserve Information Warfare OCM Branch gave instructions to hold re-designation from 1815 to 1885 until after the FY-25 RO4L PSB results were released so as not to affect opportunities for BZ consideration. The Board noted that NAVADMIN 301/23 did not authorize promotions in the Designator 1885 competitive category, which precluded you from consideration. After a careful consideration of the applicable statutes and regulations, the Board determined that SSBs authorized only for officers not considered by a PSB that were *in or above* the promotion zone. The Board also determined that as a BZ officer, there is no expectation of selection. Despite your disagreement with the AO, the Board found no exception to the statute or regulation that would permit a SSB for an officer that was not an above-zone or in-zone eligible officer. 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,

10/16/2024

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