



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

██████████  
Docket No. 9677-24  
9661-23

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 3 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 determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

Due to the new evidence submitted with your request for reconsideration, the Board carefully considered your request to restore your promotion date of rank (DOR) and lineal number. Specifically, you requested to restore your DOR to 28 May 2023 because you “feel absolute regret of [your] decision because ultimately it was not representative of the Marine Corps values of honor, courage, and commitment.” The Board considered your detailed statement which explains your life-long desire to be a Marine Corps Officer and to serve your country, your alleged treatment by staff leadership at ██████████ when you exercised your religious freedom to submit a COVID-19 vaccination religious accommodation request, your time in ██████████, your injury, surgery, and physical therapy, and the “huge mental toll on [you] that has affected all aspects of [your] life.” You acknowledged the lie, noting it was not “true of [your] personal character” and explained that there were many circumstances that contributed to your error in judgment; specifically, your father suffering from a series of strokes, your failing 91-year

old grandmother's health, and the hardship caused by your family needing your help on the family ranch. In support of your request for relief, you submitted numerous character statements and letters of recommendation.

However, the Board determined your new evidence was insufficient to necessitate a change to the previous Board's decision nor the determination of the Commandant of the Marine Corps (CMC) that you were qualified for promotion to the grade of First Lieutenant with an adjusted date of rank of 6 April 2024, one year from the date your misconduct case closed. This Board concurred that your scheduled promotion was appropriately delayed based on your misconduct. Further, the Board concurred that per SECNAV Instruction 1412.6M, the CMC retains the authority to determine if a Second Lieutenant is qualified for promotion and to determine the effective DOR, making his decision to adjust your DOR valid. As a result, the Board again concluded there is insufficient evidence of an error or injustice warranting a change to your record. 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,

11/7/2024



Executive Director

Signed by:

