



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. 10024-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 29 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 change your date of rank for promotion Gunnery Sergeant (GySgt/E-7) from 1 October 2022 to 1 October 2020. The Board considered your contention that you were briefed incorrectly as Professional Military Education (PME) incomplete during the Fiscal Year (FY) 2020 through 2024 GySgt promotion boards. You claim you completed all requirements and were eligible for promotion based on the requirements at the time. After a new non-resident course was introduced, you were told that you were grandfathered as PME complete and would be eligible for promotion to GySgt. After the FY 2024 GySgt selection board, you immediately completed the new Enlisted PME and submitted a remedial promotion package that was approved. You also claim the remedial promotion serves as proof of merit for your request and 1 October 2020 is the date you would have been promoted if briefed correctly.

The Board noted that you were properly considered in zone for promotion during the FY 2017 GySgt promotion selection board (PSB) and not selected. During the FY 2018 through FY 2024 GySgt PSBs, you were properly considered above zone and not selected. The Board also noted that you submitted a request for remedial promotion consideration during FY 2022, 2023, and 2024 PSBs. The FY 2022 Enlisted Remedial Selection Board (ERSB) selected you for promotion effective 1 October 2022.

The Board determined your contention that you were briefed as PME incomplete during the FY 2020 PSB is not supported by sufficient evidence. In this regard, according to your FY 2020 PSB record maintained by the Marine Corps Enlisted Promotions Branch, your record properly indicates that your PME was complete. The Board also determined that your selection during the FY 2022 ERSB is not proof that you should have been selected during the FY 2020 PSB. Moreover, 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 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,

11/14/2024

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