



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

██████████
Docket No. 11108-24
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 7 January 2025. 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 to withdraw your declination for promotion to lieutenant commander (LCDR/O-4). The Board considered that your initial intent was to decline promotion and retire; now you are unable to negotiate orders. You claim that you signed the declination, but you were still promoted. You also claim the retirement request was rejected, the promotion was rescinded, and now reflects a failure of selection. You provided that you have more than seven years of experience in an undermanned subspecialty.

The Board acknowledged your desire to accept your promotion, however, the Board determined that there is no guidance or authority to effect a promotion after an officer has declined that promotion. In this regard, the Board noted that you were selected for promotion to LCDR by the Fiscal Year 2024 Active Duty Navy LCDR promotion selection board. The Board also noted in August 2024, you declined permanent appointment to LCDR. The Board determined your

declination properly constituted a failure of selection. According to SECNAVINST 1420.3, “[o]fficers who are considered in-zone or above-zone and are selected for promotion to the grade of O-6 or below, but decline the appointment, will be above-zone for any subsequent PSB in that grade and competitive category.” Moreover, pursuant to the 10 February 2015 Under Secretary of Defense Memo, military department correction boards do not have the authority to remedy perceived errors or injustices by correcting records to show that an officer has been appointed to a certain grade when the officer has not been appointed to that grade by the President or Secretary of Defense. 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,

1/17/2025

[REDACTED]