



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. 11460-24
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 4 February 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.

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 promotion to first lieutenant (1stLt) effective 1 August 2022. The Board considered your statement regarding your separation for failure to promote within 18 months. You contend, according to 10 USC section 624, upon promotion delay, the officer has 18 months to be promoted, and this was the reason your promotion was denied. You claim your package for retention was favorably endorsed and the determination from the Commandant of the Marine Corps (CMC) not to separate you was made less than one month before the 18-month period ended.

The Board noted your Commanding Officer's (CO) notification of promotion delay. The notification indicated that prior to the release of the promotion authority; you were arrested for suspicion of Driving Under the Influence (DUI) on 23 July 2022. Therefore, your promotion was delayed pending completion of any disciplinary or administrative action and determination whether you are qualified for promotion. The Board also noted that you received nonjudicial punishment (NJP) in accordance with the Manual for Courts Martial (2022 ed.). You pled guilty to violating Uniform Code of Military Justice (UCMJ) Article 113 for operating a vehicle under the influence of alcohol and Article 133 and the Commanding General (CG) found you guilty. Pursuant to paragraph 3005 of

the Marine Corps Individual Records Administration Manual (IRAM), you were issued an Administrative Remarks (Page 11) entry counseling you regarding your arrest for DUI and plea of guilty at NJP. You acknowledged the entry and elected not to submit a statement.

As the Show Cause Authority for the Marine Corps, the Deputy Commandant, Manpower and Reserve Affairs (DC, M&RA) reviewed your case and determined the adverse material does not warrant processing for separation. The DC, M&RA also directed the inclusion of the adverse material into your record and the closure of your case. The DC, M&RA also notified you that you would be retained on active duty for at least six months after your scheduled date of promotion and if you have not promoted after 18 months from the date you would have promoted had you been qualified, you shall be separated for failure of selection. On 4 September 2024, the CMC notified you of his determination that you are *not qualified* for promotion to the grade of 1stLt, you were not qualified for promotion on your original projected date and the 18-month period has elapsed, therefore, you will be discharged for failure of selection.

The Board determined that your promotion to 1stLt was properly withheld pursuant to SECNAVINST 1412.6M due to adverse information. Policy directs that any adverse or reportable information that pertains to the officer and is entered into the officer's official service record be considered in determining the officer's qualifications and fitness for promotion. The Board considered the correspondence from your CO, the Board however, was not persuaded by his argument regarding the timeline of the incident in relation to your promotion. According to SECNAVINST 1412.6M the CMC is the final authority for determining those officers who are fully qualified for promotion to the grade of 1stLt. In your case, after a review of the documents and matters related to your case, the CMC ultimately determined that in accordance with SECNAVINST 1412.6M, you are *not qualified* for promotion to the grade of 1stLt at this time. The Board found no evidence that the CMC's decision that you were not qualified was based solely on the 18-month promotion timeline. 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,

2/26/2025

