



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

██████████
Docket No. 243-25
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 25 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 carefully considered your request to convene a Special Selection Board (SSB) for consideration by the Fiscal Year (FY) 2025 Active Duty Navy Lieutenant Commander (LCDR) Staff Corps Promotion Selection Board (PSB). Alternatively, you request a SSB for consideration by the FY 2025 Navy Reserve LCDR Staff Corps PSB. The Board considered your contention that you were removed from consideration without receiving proper notice due to your 31 May 2024 separation from active duty and affiliation with the Selective Reserves. Due to your separation date, you claim that you were not considered on the FY 2025 Navy Reserve LCDR Staff Corps PSB. You claim that the Navy Reserve Law Program Assistant Program Manager made you aware that you were being removed from consideration but, at that point, it was too late to adjust your separation date to still be considered.

The Board determined that you were properly excluded from consideration for promotion during the FY 2025 Active Duty Navy LCDR Staff Corps PSB in accordance with 10 U.S.C. section 619. According to NAVADMIN 290/23 "In line with section 619 of title 10, U.S. Code, reference (a), and pursuant to CNO's recommendation, the Secretary of the Navy has excluded from consideration for promotion those officers whose established separation dates are within 90

calendar days after the convening date of the board for which they would have otherwise been eligible.” As previously noted, because you were still in the active component, you were not eligible, and you remain ineligible, for consideration by the FY 2025 Navy Reserve LCDR Staff Corps PSB. The Board also determined there was no requirement for formal notification of your exclusion from promotion consideration. In this regard, NAVADMIN 290/23 was released in December 2023 informing eligible officers of the Secretary of the Navy’s exclusion policy, and it was accessible for your review. The Board thus concluded 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,

3/13/2025

