



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2654-25

Ref: Signature Date

[REDACTED]

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 26 November 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 would not materially add to their understanding of the issues involved. Therefore, a personal appearance was not necessary, and the Board considered your case based on the evidence of record.

The Board carefully considered your request to remove the footnote from the Commandant of the Marine Corps (CMC) Action Memo to the Secretary of the Navy. You contend a footnote reference to an unsubstantiated allegation would prejudice your military record and it would be appropriate to redact it from the memo.

The Board noted, on 6 February 2022, you were stopped after police observed your vehicle weaving between lanes. You admitted to consuming one alcoholic beverage and were arrested for driving under the influence. You pleaded guilty to reckless driving and received one year of probation. You received nonjudicial punishment (NJP), were administratively counseled for the alcohol-related incident, and a Report of NJP was properly submitted. After a review of the evidence, the Deputy Commandant, Manpower and Reserve Affairs (DC M&RA) terminated administrative proceedings and directed the adverse material to be placed in your official record.

In a memorandum, dated 11 April 2024, the [REDACTED] [REDACTED], Commanding Officer ([REDACTED] CO) recommended that you be removed from the selection list. The [REDACTED] CO noted a separate incident in which he determined that you lacked integrity and courage during the inputting/recording of a Physical Fitness Test that was discovered during a Preliminary Inquiry.

In the contested Action Memo to the Secretary of the Navy (SECNAV), the CMC recommended that you be removed from the promotion list. In a footnote, the CMC explained that “The [REDACTED] CO endorsements refers to an unrelated integrity violation. While [Petitioner] did submit a response to the endorsement, the incident was not properly documented in his record in accordance with service regulations. Accordingly, it should not be considered for purposes of this promotion determination.” On 3 October 2024, the SECNAV approved the removal of your name from the Fiscal Year 2023 USMC Major Promotion Selection List promotion selection list. In a memorandum dated 4 October 2024, the CMC notified you of the SECNAV’s decision.

The Board determined that your request to remove the footnote in question lacks merit. In this regard, the Board considered that footnotes are citations that signal to a reader that there's more information available about a specific topic or fact mentioned in a piece of writing and to provide readers with additional details about information in written documents. In this case, the CMC acknowledged the [REDACTED] CO comments and used the footnote to clarify that any misconduct related to the inputting and recording of a Physical Fitness Test should not be considered for the purpose of determining if you should be retained on the promotion list. The Board found that the footnote was used properly and should be retained. The Board found no evidence that the misconduct noted by the [REDACTED] CO was unsubstantiated and the [REDACTED] CO cites a Preliminary Inquiry as the source for his statement. Moreover, your claim that the footnote would prejudice your military record is conjecture and not supported by evidence. 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,

12/10/2025

[REDACTED]