



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 5200-25
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.

A three-member panel of the Board, sitting in executive session, considered your application on 18 February 2026. 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 your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to: 1) remove all reference to misconduct from your Official Military Personnel File (OMPF), 2) award you constructive active duty service credit retroactive to the date of your separation, 3) transfer you to the retired reserve list, 4) award you backpay and allowances from the date of your separation up to the date of the Board's decision, and 5) convene a Special Selection Board for your consideration for selection to the rank of Lieutenant Colonel (LtCol). You contend that the Board of Inquiry (BOI) was substantially prejudiced by procedural error that led to a finding of misconduct, the evidence was factually and legally insufficient to support the finding, and legal error was made regarding your retirement eligibility. Specifically, that the government was required to, but did not, request permission to have the BOI consider your retirement grade and characterization of service. You additionally contend, you should have been retired from the Marine Corps and should be receiving benefits, and you were wrongfully denied promotion to LtCol.

The Board, however, found you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the relief requested. Rather, regarding your contentions of insufficiency of evidence and procedural error related to your BOI, the Board relies on a presumption of regularity to support the official actions of public officers, and in the absence of substantial evidence to the contrary, presumes they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. Although the Naval Discharge Review Board (NDRB) granted relief in your case, the Board noted that it is not bound by the decisions of the NDRB. Regardless, although the NDRB upgraded your characterization of service as a matter of equity, it specifically found your discharge was proper. The Board opined, for it to grant the relief requested, it must not only disregard the presumption of regularity concerning your BOI, and underpinning investigation, but also disregard the NDRB decision that your discharge was proper. While the Board acknowledged your continuing denial of misconduct and contentions of error with your administrative separation processing, the Board determined you have not provided sufficient evidence to convince the Board to take such extraordinary measures. The Board thus concluded there is no probable material error, substantive inaccuracy, or injustice warranting the various requested changes to your record. Accordingly, given the totality of the circumstances, the Board determined 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,

3/5/2026

