



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

██████████
Docket No. 3254-26
Ref: Signature Date

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██████████
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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 (USC). 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 13 May 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, having reviewed all the facts of record pertaining to your allegations of error and injustice, found as follows:

- You tested positive for THC 8 during a urinalysis on 7 May 2024. As a result, a preliminary inquiry (PI) was conducted that determined the “process and procedures were properly followed during the ██████████ urinalysis of 7 May 2024.”
- On 15 November 2024, Commander, ██████████ submitted a Report of No Misconduct (RONM) in accordance with MCO 5800.16 (LSAM), recommending the case be closed. The Commander determined there was insufficient evidence to substantiate by a preponderance of the evidence that you knowingly and while subject to ALNAV 074/20 (Prohibition on the Use of Hemp Products) committed the alleged misconduct.
- By memorandum of 10 December 2024, Commandant of the Marine Corps (CMC) (JPL) notified you that your 19 November 2024 scheduled promotion to the grade of First Lieutenant had been delayed “based on an allegation that you were the subject of an active misconduct case.” After the closure of your misconduct case on 15 November 2024, JPL stated your promotion case required review to determine whether, pursuant to 10 USC § 14308, 10 USC §

14503, and SECNAVINST 1412.6M, you were “mentally, physically, morally, and professionally qualified for promotion.” The memorandum stated you could submit matters for the CMC’s consideration. Further, the memorandum stated SECNAVINST 1412.6M required you be retained for at least six months after your scheduled date of promotion, at which point you could request reconsideration for promotion. If you still had not promoted after 18 months from the date you would have promoted had you been qualified, the SECNAVINST required you to be separated for failure of selection.

– By memorandum of 13 March 2025, CMC notified you of his determination that you were not qualified for promotion to the grade of First Lieutenant. You were notified that you could request reconsideration for promotion, however, the memorandum reiterated the requirement for you to be separated for failure of selection if you had not promoted by 19 May 2026.

– On 23 April 2025, you requested reconsideration for promotion. Commanding Officer (CO), ██████████, strongly endorsed your request, stating he had determined you were fully qualified for promotion. However, on 2 July 2025, CMC again determined you were not qualified for promotion to the grade of First Lieutenant. The notification also stated you could request to be reconsidered for promotion but, if you still had not promoted by 19 May 2026, you would be discharged for failure of selection.

The Board carefully considered your request to correct your record to reflect execution of your promotion to First Lieutenant/O-2 with an effective date of 19 November 2024, to include backpay and allowances. You contend your promotion has been unjustly denied because the sole basis for delay was resolved with a finding of no misconduct. Further, in the denials of your requests for reconsideration, you contend the command’s favorable endorsement has been disregarded and your requests denied without the identification of any adverse material or citing of performance or suitability concerns. Lastly, you contend that, as a direct result of the denial of your promotion execution following a favorable investigation outcome, you now face involuntary separation prior to completion of your contractual service obligation.

The Board determined there is insufficient evidence of an error or injustice in the CMC’s denial of your promotion request. In making this decision, the Board noted the CMC’s reliance on SECNAVINST 1412.6M, which vests the CMC with the authority to ensure that any officer promoted to First Lieutenant is mentally, physically, morally, and professionally qualified. After reviewing the record, the Board found no evidence to suggest the CMC erred in determining your record failed to meet these standards. The determination by your CO that your positive urinalysis was the result of unknowing use and the subsequent submission of a RONM does not require CMC’s approval of your request for promotion. Furthermore, the available evidence does not overcome the presumption of regularity that attaches to official administrative actions. Therefore, the Board found insufficient evidence of error or injustice to correct your record to indicate a promotion date to First Lieutenant/O-2 with an effective date of 19 November 2024. Based on this finding, the Board also found no basis to grant your request for backpay and allowances.

