



c. In correspondence attached as enclosure (2), the Headquarters Marine Corps (HQMC) Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. In correspondence attached as enclosure (3), the HQMC Promotion Branch has commented to the effect that had Petitioner been selected by the FY 2000 Lieutenant Colonel Selection Board, he would have been assigned a date of rank and effective date of 1 July 1999.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, by removing his failure of selection by the FY 2000 Lieutenant Colonel Selection Board.


b. That Petitioner's naval record be further corrected to show his date of rank and effective date in the grade of lieutenant colonel as 1 July 1999; and that his lineal precedence be adjusted accordingly.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

764-00

IN REPLY REFER TO:

1600  
MMOA-4  
29 Feb 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR [REDACTED]  
[REDACTED] SMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
[REDACTED]  
of 25 Feb 00

(b) CMC ltr 1401/2 MMPR of 24 Nov 99

1. Recommend approval of [REDACTED]'s request for backdating his date of rank and implied request for removal of his failure of selection. This opinion gives him the benefit of the doubt.

2. Per reference (a), we reviewed [REDACTED] record and petition. [REDACTED] failed selection on the FY00 USMC Lieutenant Colonel Selection Board. He successfully petitioned the Secretary of the Navy for a Special Selection Board (SSB). However, he was selected for promotion from Above Zone on the FY01 board before the SSB could convene. [REDACTED] requests backdating of his date of rank.

3. Normally, a single factor does not cause a failure of selection. However, as is evident by his selection to Lieutenant Colonel, the SSB approval in reference (b), remains germane. We conclude the material error in his record as it appeared before the FY00 Board more than likely led or contributed to his failure of selection. Therefore, we recommend approval of [REDACTED]'s request for backdating his date of rank and implied request for removal of his failure of selection. This opinion gives him the benefit of the doubt.

[REDACTED]  
[REDACTED]  
Lieutenant Colonel, U. S. Marine Corps  
Head, Officer Career Counseling and  
Evaluation Section  
Officer Assignments Branch  
Personnel Management Division



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:  
1412/1  
MMPR  
6 Mar 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]  
[REDACTED] USMC

1. [REDACTED] request for backdating is approved, his date of rank and effective date will be 1 July 1999. This is the date of rank he would have received upon selection from the FY00 USMC Lieutenant Colonel Selection Board.

2. Point of contact is [REDACTED]

[REDACTED]  
By direction [Signature]