



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 878-01  
13 July 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: CWO-3 [REDACTED], USMC [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 1 Feb 01 w/attachments  
(2) HQMC MMOA-4 memo dtd 14 May 01  
(3) HQMC MMPR e-mail dtd 12 Jul 01  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of chief warrant officer-3 (CWO-3) he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 1999 CWO-3 Selection Board, vice the FY 2001 CWO-3 Selection Board. He specifically requested adjustment of his CWO-3 date of rank and effective date from 1 April 2001 to 15 December 1998. He also impliedly requested removal of his failure by the FY 1999 CWO-3 Selection Board.

2. The Board, consisting of Messrs. McCulloch and Tew and Ms. Gilbert, reviewed Petitioner's allegations of error and injustice on 12 July 2001, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Headquarters Marine Corps (HQMC) Officer Counseling and Evaluation Section (MMOA-4) has commented to the effect that Petitioner's request has merit and warrants favorable action, except they recommended that his promotion be backdated to 1 August 1999, rather than the 15 December 1998 date he requested. In this regard, they stated that the HQMC Promotion Branch (MMPR) had

advised that 1 August 1999 is the date of rank and effective date he would have received, had he been promoted pursuant to selection by the FY 1999 CWO-3 Selection Board.

c. In enclosure (3), HQMC MMPR advised that 15 December 1998, rather than 1 August 1999, is actually the date of rank and effective date Petitioner would have received had he been promoted pursuant to selection by the FY 1999 CWO-3 Selection Board.

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 record be corrected by removing his failure of selection by the FY 1999 CWO-3 Selection Board.

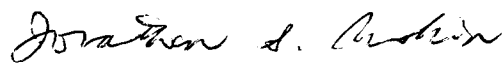
b. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of CWO-3 as 15 December 1998, rather than 1 April 2001; and that his lineal precedence be adjusted accordingly.

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