



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

BJG  
Docket No: 2737-01  
4 June 2001

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

Subj: M [REDACTED] USMC, [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 14 Mar 01 w/attachments  
(2) BCNR rept dtd 11 May 00 in Subject's case,  
docket no 2454-00  
(3) HQMC MMOA-4 memo dtd 24 May 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 major he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 2001 Major Selection Board, vice the FY 2002 Major Selection Board. He specifically requested a date of rank and effective date of approximately June 2000.

2. The Board, consisting of Messrs. Adams and Harrison and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 31 May 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. Petitioner had a prior case (2454-00) before this Board. A copy of his decisional document is at enclosure (2). In his prior case, this Board removed his failure by the FY 2001 Major Selection Board on the basis that his record had not properly reflected his Professional Military Education. He was selected pursuant to selection by the FY 2002 Major Selection Board and was promoted with a date of rank and effective date of 1 March 2001.

c. In correspondence attached as enclosure (3), the Headquarters Marine Corps (HQMC) 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. The advisory opinion notes that the HQMC Promotion Branch has advised that had he been promoted pursuant to selection by the FY 2001 Major Selection Board, he would have received a date of rank and effective date of 1 June 2000.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (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, to show his date of rank and effective date in the grade of major as 1 June 2000, vice 1 March 2001; and that his lineal precedence be adjusted accordingly.

b. 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.

c. 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*  
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

IN REPLY REFER TO:

1600  
MMAA-4  
24 May 01

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

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case  
of Major [REDACTED]  
[REDACTED] USMC of 08 May 2001

1. Recommend approval of Major [REDACTED]'s request for backdating his date of rank.
2. Per reference (a), we reviewed Major [REDACTED] record and petition. Major [REDACTED] failed selection on the FY01 USMC Major Selection Board. He successfully petitioned the Board for Correction of Navy Records to correct Professional Military Education material errors in his record. Major [REDACTED] was subsequently selected for promotion from the In-Zone on the FY02 Major Selection board.
3. As evidenced by his selection to Major on the FY02 selection board, the material errors did, in fact, impact his selection to Major on the previous board. Therefore, we recommend approval of Major [REDACTED] request for backdating his date of rank. As verified by Promotion Branch, Major [REDACTED] corrected date of rank will be 1 June 2000 and his lineal control number will be 06203050.
4. Point of Contact [REDACTED]

[REDACTED]  
Major, U.S. Marine Corps  
Head, Officer Counseling and  
Evaluation Section  
Officer Assignment Branch  
Personnel Management Division