



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

LCC:lc
Docket No. 5425-01
4 October 2001

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

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

Encl: (1) DD Form 149 w/attachments
(2) HQMC ltr 1420/2 MMPR-2 of 22 Jun 01
(3) HQMC ltr 1400/3 MMPR-2 of 10 Aug 01

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 she is entitled to remedial consideration for promotion to paygrade E-8.

2. The Board, consisting of Messrs. Beckett, Pfeiffer, and Whitener reviewed Petitioner's allegations of error and injustice on 2 October 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 justice, finds as follows:

a. Petitioner's Military Occupation Specialty (MOS) 6054, a feeder MOS to MOS 6019 was inadvertently omitted from the list of MOS's which would be considered for promotion during the planning process for CY 1998 and 1999 Reserve Staff Noncommissioned Officer (SNCO) selection boards. Records indicate that Petitioner was the only Marine in the Active Reserve Program holding the 6054 MOS as a primary MOS.

b. In 1998 Petitioner received her Federal Aviation Administration (FAA) certification as an airframes and powerplants mechanic, which authorized her to work on all aircraft in the Marine Corps inventory including the A6 Intruder and the F18 Hornet.

c. In 1997 Petitioner was not considered for promotion when the regular promotion board met. Headquarters Marine Corps (HQMC) told her she did not have a career path as a 6054 and was wasting her time. After the CY 1997 board results were released she was able to convince HQMC of her eligibility for consideration for promotion. She was then given remedial consideration for promotion to paygrade E-8 but was not selected.

d. When the promotion messages for CY 1998 and CY 1999 were released her MOS was once again omitted as a feeder MOS for 6019. Petitioner's efforts to convince HQMC that she was eligible for the CY 1997, although successful in CY 1997, were forgotten by the time the CY 1998 and CY 1999 boards met. Petitioner gave up on being considered for E-8 and submitted her request to be transferred to the Fleet Reserve. Then she learned that the CY 1998 promotion board had 5 allocations and returned an "empty" one for which she was never even considered.

e. Petitioner received encouragement from an active duty sergeant major to pursue her right to be considered for promotion. She submitted a request to HQMC MMPR-2 in June 2001 for remedial consideration and her request was denied because she was not on active duty. HQMC MMPR-2 in their letter of 22 June 2001 at enclosure (2), informed her that she had been eligible for consideration, but was not considered due to an administrative error. Additionally since she had retired from the Marine Corps she was not eligible for remedial promotion consideration. MMPR-2 recommended that she submit a petition the Board for Correction of Naval Records for remedial consideration for promotion.

f. In correspondence attached as enclosure (3), the office having cognizance over the subject matter involved in Petitioner's application recommended denial, commenting that since she had retired from the Marine Corps she was not eligible for remedial consideration for promotion

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding the comments contained in enclosure (3), the Board finds the existence of an injustice warranting the requested relief. In this connection, the Board finds that since Petitioner was eligible for consideration for promotion to paygrade E-8 and was not considered due to an administrative error that she should be considered through the remedial board process. MMPR-2 has the obligation to consider that each and every Marine on active duty eligible for promotion is considered. When a Marine is not considered due to an administrative error then he/she is entitled to remedial consideration for promotion.

Even though Petitioner has now retired she was on active duty when the board met and should have been considered for promotion by a remedial board.

Accordingly, the Board recommends the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner will be given remedial consideration for promotion to paygrade E-8 for CY 98 and CY 99 by the Active Reserve Staff Noncommissioned Officer Selection Board.


b. In the event Petitioner is a selectee to paygrade E-8 by the remedial board, either CY 98 or CY 99, her record will be corrected to show the two years she would normally be required to serve on active duty following the effective date of the promotion was waived by the appropriate Naval authorities and her transfer to the Marine Corps Retired List was in paygrade E-8.

4. 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

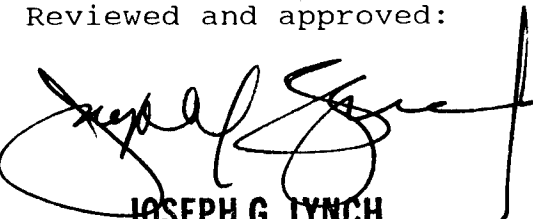

G. L. ADAMS
Acting Recorder

5. The foregoing action of the Board is submitted for your review and action.


W. DEAN PFEIFFER
Executive Director

Reviewed and approved:

DEC - 5 2001


JOSEPH G. LYNCH
Assistant General Counsel
(Manpower And Reserve Affairs)