



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

BJG
Docket No: 7688-02
7 November 2002

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

Subj: MAJ [REDACTED] JR., USMCR (AR) [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 15 Aug 02 w/attachments
(2) HQMC CMT memo dtd 23 Oct 02
(3) Memo for record dtd 9 Oct 02
(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 that to show that he did not fail of selection by the Fiscal Year (FY) 2002 Active Reserve Major Selection Board. He further requested that his 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 FY 2002 Active Reserve Major Selection Board, vice the FY 2003 Active Reserve Major Selection Board.
2. The Board, consisting of Messrs. McBride, Novello and Schultz, reviewed Petitioner's allegations of error and injustice on 7 November 2002, 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) Career Management Team (CMT) has commented to the effect that Petitioner's request has merit and warrants favorable action.
 - c. The memorandum for the record at enclosure (3) documents that the HQMC Promotion Branch (MMPR) has commented to the effect that Petitioner's current date of rank

and effective date as a major is 1 May 2002, and that if he had been promoted pursuant to selection by the FY 2002 Active Reserve Major Selection Board, he would have received a date of rank and effective date of 1 July 2001.

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, to show that he did not fail of selection by the FY 2002 Active Reserve Major Selection Board.

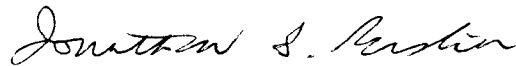
b. That Petitioner's record be further corrected to show his date of rank and effective date in the grade of major as 1 July 2001, vice 1 May 2002; and that his lineal precedence be adjusted accordingly.

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

IN REPLY REFER TO:
1600
CMT
23 Oct 02

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

Subj: RESERVE AFFAIRS ADVISORY OPINION ON BCNR APPLICATION;
CASE OF [REDACTED] USMCR

Ref: (a) CMC ltr 1401/MMPR/ dtd 30 Oct 01
(b) AlNav 017/02

1. Recommend that [REDACTED] request to remove his failure of selection and backdate his current date of rank be approved.

2. Per reference (a), [REDACTED] had been approved for consideration by a special selection board (SSB). However, as a result of his selection to major on the FY03 board, reference (b), the process was stopped prior the convening of SSB. It is reasonable to assume that he would have been selected by the SSB for promotion.

3. Point of contact is [REDACTED] at (703) [REDACTED]

[REDACTED]

By /direction

DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: (703) 614-2293 OR DSN 224-2293
FACSIMILE: (703) 614-9857 OR DSN 224-9857

MEMORANDUM FOR THE RECORD

DATE: 9OCT02

DOCKET NO: [REDACTED]

PETITIONER (PET): M [REDACTED] JR., USMCR (AR)

PARTY CALLED: MRS [REDACTED] HQMC MMPR-1

TELEPHONE #: N/A

WHAT I SAID: I ASKED [REDACTED] WHAT PET'S CURRENT DOR AND EFF DATE IN THE GRADE OF MAJ IS, AND WHAT DOR AND EFF DATE HE WOULD HAVE RECEIVED HAD HE BEEN SELECTED BY THE FY-02 USMCR (AR) MAJ SEL BD.

WHAT PARTY SAID: [REDACTED] INFORMED ME THAT PET'S CURRENT DOR AND EFF DATE IS 1MAY02, AND HIS DOR AND EFF DATE FROM THE FY-02 USMCR (AR) MAJ SEL BD WOULD BE 1JUL01.

[REDACTED]