



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

BJG  
Docket No: 5733-03  
1 August 2003

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

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

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

Encl: (1) DD Form 149 dtd 12 Jun 03 w/attachment  
(2) HQMC MMER memo dtd 8 Jul 03 w/encl  
(3) HQMC MMOA-4 memo dtd 19 Jun 03  
(4) Subject's naval record

1. Pursuant to reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected by modifying the fitness reports for 3 October 2000 to 31 May 2001 and 1 June to 5 August 2001, copies of which are at Tabs A and B to enclosure (1), by changing the reviewing officer's "comparative assessment" from the fourth highest (of eight) to the third highest. As indicated in enclosure (2), the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) directed the requested modifications of the fitness reports. Petitioner further requested removal of her failure of selection before the Fiscal Year 2004 Colonel Selection Board, so as to be considered by the selection board that next convenes to consider officers of her category for promotion to colonel as an officer who has not failed of selection to that grade.

2. The Board, consisting of Messrs. Bishop, Neuschafer and Schultz, reviewed Petitioner's allegations of error and injustice on 31 July 2003, 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 (3), the HQMC office having cognizance over the subject matter of Petitioner's request to strike her failure of selection for promotion has commented to the effect that this request has merit and warrants favorable action.

**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 record be corrected so that she will be considered by the earliest possible selection board convened to consider officers of her category for promotion to colonel as an officer who has not failed of selection for promotion to that grade.

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.

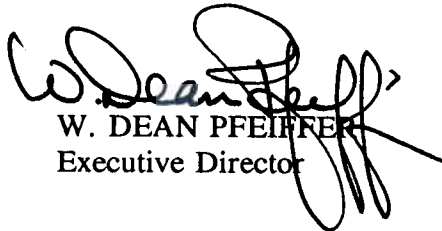
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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  
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

5737-02



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

IN REPLY REFER TO:  
1610  
MMER  
8 Jul 03

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

Subj: BCNR APPLICATION IN THE CASE OF LIEUTENANT COLONEL  
[REDACTED] USMC

Encl: (1) Copy of CMC ltr 1610 MMER/PERB of 8 Jul 03  
(2) CMC Advisory Opinion 1610 MMOA-4 of 19 Jun 03

1. As evidenced by enclosure (1), PERB effected corrections to the Comparative Assessments on Lieutenant Colonel [REDACTED] fitness reports for the periods 20001003 to 20010531 (AN) and 20010601 to 20010805 (TR).
2. We defer to BCNR on the issue of Lieutenant Colonel [REDACTED] request for the removal of her failure of selection to the grade of Lieutenant Colonel. Enclosure (2) is furnished to assist in resolving that matter.
3. Please note that in our letter to Lieutenant Colonel [REDACTED] we furnished her with a copy of the Advisory Opinion contained at enclosure (2).

[REDACTED]

DARRLE V. [REDACTED]  
 Head, Performance Evaluation  
 Review Branch  
 Personnel Management Division  
 By direction of the Commandant  
 of the Marine Corps

5733-03



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

IN REPLY REFER TO:  
1610  
MMER/PERB  
JUL 8 2003

From: Commandant of the Marine Corps  
To: Lieutenant Colonel [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Subj: CORRECTION OF NAVAL RECORD

Ref: (a) Your DD Form 149 of 12 Jun 03  
(b) MCO 1610.11C

Encl: (1) CMC Advisory Opinion 1600 MMOA-4 of 19 Jun 03

1. This responds to your request contained in reference (a).
2. Per the provisions of reference (b), the Performance Evaluation Review Board (PERB) has reviewed allegations of error and injustice in your naval record.
3. Having reviewed all the facts, the Board has directed Section K3 (Comparative Assessment) of your fitness reports for the periods 20001003 to 20010531 (AN) and 20010601 to 20010805 (TR) to be changed to reflect marks in the second block of the category entitled "one of the few exceptionally qualified Marines." In addition, the Performance Evaluation System (the data base that generates your Master Brief Sheet) will be corrected accordingly.
4. The Commandant of the Marine Corps is not empowered to grant or deny the request to remove a failure of selection from a naval record. Therefore, your case will be forwarded to the Board for Correction of Naval Records (BCNR) for resolution of that issue. As a matter of information, the enclosure has been furnished to BCNR for their consideration in adjudicating that matter. Further inquiries should be directed to the BCNR Case Examiner, Mr. Brian George, at DSN 224-2293.

[REDACTED]

By direction

Copy to:  
Mr. George (BCNR)



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

IN REPLY REFER TO:

1600  
MMA-4  
19 Jun 03

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

Subj: BCNR PETITION FOR LIEUTENANT COLONEL [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
Lieutenant Colonel [REDACTED] 0045/0180  
USMC of 18 Jun 03

1. Recommend approval of Lieutenant Colonel [REDACTED] request  
for removal of her failure of selection if the petitioned  
reports are modified.

2. Per the reference, we reviewed Lieutenant Colonel [REDACTED]  
record and petition. Lieutenant Colonel [REDACTED] failed selection  
on the FY04 USMC Colonel Selection Board. Lieutenant Colonel  
[REDACTED] requests modification of the Reviewing Officer's  
comparative assessment mark on the Annual report dated 001003 to  
010531 and the Transfer report dated 010601 to 010805. She also  
requests removal of her failure of selection.

3. In our opinion, the petitioned fitness reports contain  
competitive concerns that may have contributed to the failure of  
selection. The modification of the reports would increase the  
competitiveness of Lieutenant Colonel [REDACTED]'s record,  
however, with the petitioned reports modified, her record still  
contains competitive jeopardy.

4. Lieutenant Colonel [REDACTED] has not served in her MOS in  
the Operating Forces since 1990. [REDACTED] commented on the  
report dated 990611 to 000531 that he asked her to stay on his  
staff instead of executing orders. Without that comment,  
Lieutenant Colonel [REDACTED]'s record would clearly be  
uncompetitive for promotion.

5. In summary, modification of the petitioned reports would  
increase the competitiveness of Lieutenant Colonel [REDACTED]  
record. Though we recognize her record contains other  
significant competitive concerns, we believe Lieutenant Colonel  
[REDACTED] should be afforded the benefit of the doubt and  
recommend approval of her request for removal of the failure of  
selection if the petitioned reports are modified.

Subj: BCNR PETITION FOR LIEUTENANT COLONEL [REDACTED]

[REDACTED] USMC

6. POC is LtCol [REDACTED]

[REDACTED]

Colonel, USMC  
Head, Officer Assignment Branch  
Personnel Management Division