



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

BJG  
Docket No: 3187-11  
11 April 2010

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 3 Dec 10 w/attachments, incl  
Subject's e-mail dtd 31 Jan 11 and RO's memo  
dtd 30 Jan 11  
(2) HQMC MMER/PERB memos dtd 9 and 21 Mar 11  
(3) HQMC MMOA-4 memo dtd 21 Mar 11  
(4) Subj's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by modifying the fitness report for 22 June 2008 to 31 March 2009 (copy at Tab A) by removing section K (reviewing officer's (RO's) marks and comments). In his electronic mail of 31 January 2011 at enclosure (1), Petitioner modified his application, in accordance with the RO's memorandum dated 30 January 2011, also at enclosure (1), to request raising the mark in section K.3 (RO's "Comparative Assessment") from the fourth best of eight possible marks to the second best, and replacing the RO's comments in section K.4 with the following revised comments:

He is one of the top 3-4 LtCols [lieutenant colonels] in the Division. He is a complete officer with superior leadership tools. Highly dedicated, he fought through adversity with professional aplomb, and conquered exceptional challenges with grace and style. He is the type of talented officer the Marine Corps needs to help conquer the world of chaos, confusion and uncertainty that it must give order too [sic]. An Exceptional Asset to the Marine Corps. **He should be a FUTURE GENERAL OFFICER!! PROMOTE TO COLONEL IMMEDIATELY!!**

Enclosure (2) reflects that the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board has directed the requested correction of Petitioner's fitness report record. Petitioner further requested removing his failure of selection by the Fiscal Year (FY) 2012 Colonel Selection Board, so as to be considered by the selection board next convened to consider officers of his category for promotion to colonel as an officer who has not failed of selection for promotion.

2. The Board, consisting of Messrs. Green, Pfeiffer and Vogt, reviewed allegations of error and injustice on 7 April 2011, 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. Petitioner exhausted all administrative remedies which were available under existing law and regulations within the Department of the Navy.

b. In enclosure (3), the HQMC office with cognizance over Petitioner's request to remove his failure of selection to colonel 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 enclosure (3), the Board finds an injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing his failure of selection by the FY 2012 Colonel Selection Board, so that he will be considered by the earliest possible selection board convened to consider officers of his 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.



JONATHAN S. RUSKIN  
Acting Recorder

ROBERT D. ZSALMAN  
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