



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JSR

Docket No. NR2627-14

7 August 2014

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 11 Dec 13 w/attachments
(2) HQMC RCT memo undtd
(3) 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 lieutenant colonel he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 2012 Active Reserve (AR) Lieutenant Colonel Selection Board, vice the FY 2014 AR Lieutenant Colonel Selection Board. He also impliedly requested removing his failures of selection by the FY 2012 and 2013 AR Lieutenant Colonel Selection Boards.

2. The Board, consisting of Messrs. Gattis, Green and Ivins, reviewed Petitioner's allegations of error and injustice on 7 August 2014, 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. After Petitioner had failed of selection by the FY 2012 and 2013 AR Lieutenant Colonel Selection Boards, the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board directed modifying his fitness reports for 30 June 2005 to 23 June 2006, 23 June 2006 to 30 June 2007 and 1 July 2007 to 14 June 2008 by removing section K (reviewing officer's marks and comments). With a corrected record, he was selected by the FY 2014 AR Lieutenant Colonel Selection Board, and he was promoted with a date of rank and effective date of 1 December 2013.

c. In enclosure (2), the HQMC office with cognizance over the subject matter of Petitioner's case has commented to the effect that the request has merit and warrants favorable action. That office specifically recommended adjusting his lieutenant colonel date of rank and effective date to 1 February 2012, the date of rank and effective date he would have been assigned, had he been promoted pursuant to selection by the FY 2012 Lieutenant Colonel Selection Board.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (2), the Board finds an injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show he has not failed of selection for promotion to lieutenant colonel.

b. That his record be corrected further to show his date of rank and effective date in the grade of lieutenant colonel as 1 February 2012, rather than 1 December 2013; 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.

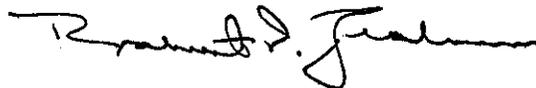
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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.



ROBERT D. ZSALMAN
Acting Executive Director