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

JSR

Docket No. NR3482-14

28 August 2014

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

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

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

Encl: (1) DD Form 149 dtd 28 Jan 14 w/attachments  
(2) HQMC MMRP memo dtd 29 Jul 14  
(3) HQMC MMRP-50 memo dtd 12 Aug 14  
(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 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 Fiscal Year (FY) 2013 Major Selection Board, vice the FY 2014 Major Selection Board.

2. The Board, consisting of Ms. Countryman and Messrs. Genteman and Spain, reviewed Petitioner's allegations of error and injustice on 28 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. Enclosure (1) shows that in Petitioner's prior case, docket number 03648-12, the Headquarters Marine Corps (HQMC)

Performance Evaluation Review Board directed removing his fitness reports for 1 August 2009 to 31 May 2010 and 1 June to 18 August 2010, and this Board directed removing his failure of selection by the FY 2013 Major Selection Board. With a corrected record, he was selected by the FY 2014 Major Selection Board, and he was promoted with a date of rank and effective date of 1 January 2014.

c. In enclosure (2), the HQMC Promotion Branch commented to the effect that 1 August 2013 is the date of rank and effective date Petitioner would have been assigned, had he been promoted pursuant to selection by the FY 2013 Major Selection Board.

d. In enclosure (3), the HQMC Counseling and Evaluation Section commented to the effect that Petitioner's current request has merit and warrants favorable action. That office specifically recommended adjusting his major date of rank and effective date to 1 August 2013, consistent with enclosure (2).

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (2) and (3), the Board finds an injustice warranting the following corrective action:

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show his date of rank and effective date in the grade of major as 1 August 2013, rather than 1 January 2014; and that his lineal precedence be adjusted accordingly.

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

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 J. O'NEILL  
Executive Director