



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

██████████
Docket No: 2002-16
NOV - 1 2016

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

Subj: REVIEW NAVAL RECORD ICO ██████████, USMC,
XXX-XX-██████████

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

Encl: (1) DD Form 149 with attachments
(2) Subjects naval record (excerpts)
(3) HQMC memo 1610 MMRP-13/PERB dtd 21 Sep 15
(4) HQMC memo 1610 MMRP-50 dtd 7 Mar 2016

1. Pursuant to the provisions of reference (a) Petitioner, a Commissioned Officer of the Marine Corps, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing his failure of selection (FOS) from the FY17 Major Selection Board (MSB) from his Official Military Personnel File (OMPF) and that he be given a remedial promotion board for selection to Major. Enclosures (1) through (4) apply.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 21 October 2016 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, Marine Corps records excerpts, and applicable statutes, regulations, and policies, including enclosures (3) and (4), which were furnished by Headquarters Marine Corps (HQMC).

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) was filed in a timely manner.

c. Petitioner initially requested that an adverse fitness report be removed from his records due to the report being used as a counseling tool rather than a fair evaluation of performance. In correspondence attached as enclosure (3), the office having cognizance over the subject matter addressed in Petitioner's application agreed with the Petitioner's contentions and removed the contested report from his records. Although the Petitioner received the requested relief, the

correction to his records did not take place prior to the convening of the FY17 Major Selection Board.

d. Enclosure (4), has commented to the effect that the contested report most likely did make the Petitioner appear less competitive than his peers and recommends removal of his failure of selection from the FY17 Major Selection Board (MSB). In this regard, the Board substantially concurred with the recommendations of the advisory opinions and finds an injustice in the Petitioner's failure of selection.

CONCLUSION:

Upon review and consideration of all the evidence of record and especially in light of enclosures (3) and (4), the Board concludes that Petitioner's request warrants favorable action.

In view of the above, the Board recommends the following corrective action.


RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing his FOS from the FY17 MSB from his OMPF, and that he be considered by the earliest possible selection board convened to consider officers of his category for promotion to Major as an officer who has not failed of selection for promotion to that grade.

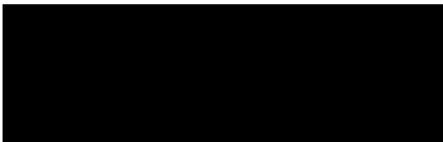
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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.


Recorder


Docket No: 2002-16

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 Regulation, 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.


Executive Director