



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

[REDACTED]
Docket No: 3547-16
MAR 03 2017

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USMC,
XXX-XX-[REDACTED]

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

Encl: (1) DD Form 149
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the Marine Corps, filed enclosure (1) with this Board requesting removal from her record, the failure of selection (FOS) incurred by the FY 17 USMC Major Promotion Selection Board. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 January 2017, and pursuant to its regulations, determined that the partial 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) was filed in a timely manner.

c. Petitioner was issued an observed annual (AN) fitness report for the reporting period 23 March to 31 May 2013. This fitness report was available for review by the FY17 USMC Major Promotion Selection Board when it convened on 25 August 2015. Petitioner was not selected for promotion and incurred her first FOS.

d. Petitioner submitted an application for correction of her record to the BCNR, and on 25 February 2016, her request to change her AN fitness report for the reporting period 23 March to 31 May 2013 from "observed" to "not observed" was approved. She subsequently petitioned the BCNR to have her FY17 FOS removed. However, prior to BCNR's review of her

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petition to remove the FY17 FOS, the FY18 USMC Major Promotion Selection Board convened on 16 August 2016. Petitioner was considered as an eligible above-zone officer. She was not selected for promotion and incurred her second FOS.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief by removing the FOSs she incurred by the FY17 and FY18 USMC Major Promotion Selection Boards. In this regard, the Board noted that the AN fitness report that was available for consideration by the FY17 USMC Major Promotion Selection Board was later found to be in error and a correction was directed by the BCNR. Further, prior to adjudication of her request to have the FY17 FOS removed from her record, she was considered by the FY18 USMC Major Promotion Selection Board as an above-zone officer, and incurred her second FOS. The Board concluded that she was at a significant disadvantage when she was considered as an above-zone officer by the FY18 USMC Major Promotion Selection Board after the correction was made to her record, but prior to the adjudication of her FY17 FOS removal request.

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

RECOMMENDATION:

- a. That Petitioner's naval record be corrected by removing the FOSs incurred by the FY17 and the FY18 USMC Major Promotion Selection Boards.
 - b. That Petitioner's naval 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 major as an officer who has not failed of selection for promotion to that grade.
 - c. That no further relief be granted.
 - d. 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. 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.

[REDACTED]
Recorder

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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.

[REDACTED]
Executive Director