



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

[REDACTED]
Docket No. 8400-16
JUL 21 2017

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

Subj: REVIEW OF NAVAL RECORD ICO

[REDACTED] USMC

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

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 1412/1 MMPR dtd 6 Apr 17
(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 his Official Military Personnel File (OMPF) be corrected by having his date of rank adjusted as if he were selected by the FY14 United States Marine Corps (USMC) Lieutenant Colonel Promotion Selection Board (LTCOL PSB) vice FY16 Board.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 May 2017 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. On 14 August 2012, the FY14 USMC LTCOL PSB met and Petitioner failed to select for promotion. Subsequent to the FY14 Board, on 20 June 2013 the Performance and Evaluation Review Board (PERB) amended the Petitioner's OMPF, specifically, fitness report information from 2009. On 20 August 2013 the FY15 USMC LTCOL PSB met and Petitioner failed to select for promotion again. Petitioner was considered "above zone" at the FY15 Board.

c. On 8 August 2014, the FY16 USMC LTCOL PSB met and Petitioner was selected for promotion, despite having failed to select for promotion during the two previous cycles.

d. On 30 October 2014, the Board for Correction of Naval Records (BCNR) granted Petitioner's request to remove the FY14 and FY15 failures of selection from his OMPF and directed a Special Selection Board (SSB). Because the Petitioner had already been selected for

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promotion to Lieutenant Colonel on the FY16 Board, Headquarters, United States Marine Corps (MMPR) directed to Petitioner to file a DD Form 149 requesting that his date of rank be adjusted to reflect promotion at the FY14 USMC LTCOL PSB.

e. Enclosure (2), is an advisory opinion from the MMPR stating that had the Petitioner been selected for promotion by the FY14 USMC LTCOL PSB, his date of rank would have been 1 August 2014.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2) and the fact that MMPR directed the Petition to request an adjustment to his date of rank, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner's date of rank is adjusted as if he were selected by the FY14 USMC LTCOL PSB and appointed to the rank of Lieutenant Colonel with a date of rank and effective date for pay and allowances of 1 August 2014.

b. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that 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

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.

[REDACTED]
Executive Director