



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

█  
Docket No.1846-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
XXX XX █ USMC

Ref: (a) 10 U.S.C. § 1552  
(b) CMC ltr 1610 MMRP-13/PERB of 9 Mar 21  
(c) ASN (M&RA) memo of 28 Nov 17 “Delegation of Authority to the Board for Correction of Naval Records (BCNR) to Direct the Convening of a Special Selection Board (SSB), Supplemental All-Fully-Qualified Officers List (AFQOL), and Special AFQOL”  
(d) Title 10 U.S.C. § 628  
(e) SECNAVINST 1402.1

Encl: (1) DD Form 149 w/enclosures  
(2) Fitness Report for the reporting period 1 Oct 12 to 8 Apr 13  
(3) PES ltr 1610 MMRP-30 of 28 Jan 21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting removal of a fitness report, that her failures of selection (FOSs) to major be removed, and that she be granted a Special Selection Board (SSB).

2. The Board, consisting of █, █, and █, reviewed Petitioner’s allegations of error and injustice on 8 April 2021, and pursuant to its regulations, determined that the corrective action indicated below shall be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner’s 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, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued enclosure (2), an adverse fitness report for the reporting period 1 October 2012 to 8 April 2013. Petitioner contends that she was subjected to a hostile work environment caused by her reporting senior’s (RS’s) and reviewing officer’s (RO’s) treatment of women, and that an injustice occurred when her fitness report was marked adverse despite her performance and that of her section. Petitioner’s application included several advocacy letters that reinforce her arguments. Petitioner also contends that the contest fitness report caused her to fail selection by the Fiscal Year (FY) 2019 through FY 2022 USMC Major Promotion Selection Boards.

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c. Per reference (b), on 9 March 2021, the Headquarters, Marine Corps Performance Evaluation Review Board (PERB) reviewed Petitioner's allegations of error and injustice regarding her fitness report at enclosure (2). Having reviewed all the facts, and with consideration of the favorable Advisory Opinion (AO) at enclosure (3), the PERB directed that the contested report be retained as filed. The PERB determined that, while the AO does provide a recommendation, the board members have the authority to non-concur with the recommendation based on their review of the petition and arguments provided. The board members found that the marks and comments from both the RS and RO specifically addressed her performance, thereby supporting the adverse nature of the report, whereas Petitioner only addressed the command climate in rebuttal.

d. Reference (c) delegated authority to this Board to direct the Commandant of the Marine Corps to convene a SSB, providing that the Board fully complies with the requirements and restrictions set forth in references (d) and (e).

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the AO at enclosure (3), the Board concluded that Petitioner's request warrants partial relief. In this regard, the Board concurred with the AO that the contested report constitutes an injustice based on several compelling statements from Marine Corps Tactical Systems [REDACTED] plank holders that specifically and effectively reinforce Petitioner's arguments. The Board thus concluded that the contested fitness report shall be removed from Petitioner's record, and that all FOSs to the grade of major shall be removed.

The Board, however, was not willing to grant the convening of a SSB. In this regard, the Board determined that Petitioner has not exhausted all of her administrative remedies by requesting a SSB through Headquarters, Marine Corps (MMPR-1).

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), her fitness report for the reporting period 1 October 2012 to 8 April 2013.

Petitioner's naval record be corrected by removing her FOSs incurred by the FY 2019 through FY 2022 USMC Major Promotion Selection Boards.

No further relief be granted.

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.

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)),

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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.

4/15/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]