



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

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Docket No. 3274-21
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 16 December 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board noted that on 9 April 2021, the Headquarters, Marine Corps Performance Evaluation Review Board corrected your fitness report for the reporting period 1 June 2002 to 29 August 2002 by removing all Section I comments, marking Section K-1 "Insufficient" vice "Sufficient," removing marks in Sections K-2 and K-3, and removing all Section K-4 comments. In that regard, the Board considered your request to remove all of your failures of selection to colonel. The Board also noted that the contested fitness report was available for consideration by the promotion selection board for Fiscal Year (FY) 2022, which you contend caused an injustice and may have affected your selection for promotion. In light of the results of the FY 2023 promotion selection board, the Board also considered if removal of your most recent failure of selection was warranted.

The Board, however, determined that there was insufficient evidence that the error in the contested fitness report materially impacted your failure to select to colonel. In making this determination, the Board noted your promotion to the grade of captain, major and lieutenant colonel, all of which the contested fitness report was made available. The Board further noted that the corrected fitness report was available for consideration by the FY 2023 promotion selection board, which did not result in your selection for promotion. The Board noted that you may consider petitioning Headquarters, Marine Corps Promotion Branch (MMPR-1) for promotion consideration by a special selection board in accordance with SECNAV Instruction 1402.1.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

1/7/2022

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Deputy Director

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