



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

█
Docket No: 7816-21
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

Encl: (1) DD Form 149 w/enclosures
(2) BCNR ltr JMP Docket No: 6630-20 of 14 Jul 21
(3) HQMC Memo 1070 MMRP-13/BCNR of 7 Oct 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 his failure of selection incurred by the Fiscal Year (FY) 2023 USMC Lieutenant Colonel Promotion Selection Board.
2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 16 December 2021, and pursuant to its regulations, determined the corrective action indicated below should 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. The FY 2023 USMC Lieutenant Colonel Promotion Selection Board convened 3 August 2021.
 - c. Petitioner received enclosure (2), postmarked 17 August 2021, on 24 August 2021.
 - d. Petitioner's fitness report for the reporting period 1 November 2017 to 5 July 2018 was removed from his official military personnel file on 7 October 2021 by direction of the Secretary of the Navy. Enclosure (3).
 - e. Petitioner contends the FY 2023 failure of selection should be removed to maintain consistency with the order and intent of the previous Board that removed all previous failures of selection to the grade of lieutenant colonel, as reflected in enclosure (2). Specifically, due to the timeframe of the previous Board's decision, all directed action was completed after the convening of the FY 2023 USMC Lieutenant Colonel Promotion Selection Board.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action. The Board, noting the significant positive impact of the removal of the

fitness report for the reporting period 1 November 2017 to 5 July 2018, determined the FY 2023 USMC Lieutenant Colonel Promotion Selection Board was not presented with an accurate representation of Petitioner's performance. Further, the Board determined Petitioner was disadvantaged due to his above-zone status when considered by the FY 2023 promotion selection board. The Board thus concluded Petitioner's FY 2023 failure of selection shall be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing his failure of selection incurred by the FY 2023 USMC Lieutenant Colonel Promotion Selection Board.

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 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.

12/24/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]