



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

█
Docket No. 1676-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
█ USMC

Ref: (a) Title 10 U.S.C. §1552
(b) MARADMIN 329/19

Encl: (1) DD Form 149 w/enclosures
(2) BCNR Decision Docket NR20190005141, 3 November 20
(3) MARADMIN 329/19, 6 Jun 19

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 that his naval record be corrected by correcting his Armed Forces Active Duty Base Date (AFADBD) to 7 July 2004 and changing his date of rank (DOR) for gunnery sergeant from 1 October 2020 to 1 October 2019.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 30 June 2022 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, relevant portions of Petitioner's naval record, 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. On 29 April 2019, Petitioner submitted a request to the Board to adjust his sergeant DOR, to correct his AFADBD, to adjust his DOR for promotion to staff sergeant, and to be granted an Enlisted Remedial Selection Board for the Fiscal Year (FY) 2018 Gunnery Sergeant (GySgt) Promotion Selection Board (PSB). On 7 July 2020, the FY20 GySgt PSB convened, and selected Petitioner. On 1 October 2020, Petitioner promoted to GySgt. On 3 November 2020, the Board partially granted Petitioner's request, directing correction of Petitioner's AFADBD to 7 July 2004, enclosure (2).

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c. Petitioner contends that the corrected AFADBD, 7 July 2004, made him eligible for GySgt for the FY19 GySgt PSB. Petitioner included enclosure (3), the FY19 Approved Selections to Gunnery Sergeant, which shows that Petitioner, with an AFADBD of 10 August 2004 and a staff sergeant DOR of 1 October 2015, would have been considered "In Zone" for promotion for that selection board.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board noted that Petitioner's record shows an incorrect AFADBD of 4 December 2004. The Board found that it was an error and unjust that the AFADBD was not correct when the FY19 GySgt PSB convened, precluding Petitioner's In Zone eligibility. Consequently, the Board determined that Petitioner's GySgt DOR shall be adjusted to the date he would have received had he been selected by the FY19 PSB.

RECOMMENDATION

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

Adjust Petitioner's date of rank for gunnery sergeant to the date he would have received had he been selected by the Fiscal Year 2019 Gunnery Sergeant Promotion Selection Board.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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)), 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
[REDACTED]