



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

[REDACTED]  
Docket No: 1941-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO P1400.32D w/CH 2 (ENLPROMMAN)

Encl: (1) DD Form 149 w/enclosures  
(2) [REDACTED] 5420 MMEA letter of 1 Jun 21  
(3) [REDACTED] 1420/2 MMPR-2 letter of 14 Dec 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 the Board back date his promotion to Staff Sergeant to occur in Fiscal Year (FY) 2021 with associated back pay and entitlements.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 June 2022, 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 the 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. Petitioner was dropped from Counter Intelligence School on [REDACTED]. While in school, his Primary Military Occupational Specialty (PMOS) was 0200 and, upon being dropped from the school, required reclassification to his previous PMOS of 2651. See enclosure (2).

c. The FY 2020 Staff Sergeant Selection Board convened 21 July 2020. Petitioner was considered as a PMOS 0200 and was not selected.

d. Due to processing time, Petitioner's request for MOS reclassification was not submitted until 6 April 2021. Reclassification was approved, and Petitioner's PMOS was correctly reflected as 2651 on 15 April 2021. See enclosure (2).

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e. After petitioning the Board for correction of his PMOS 2651 assignment to be reflected as the day he was dropped from Counter Intelligence School, Petitioner's record was corrected to reflect [REDACTED] as the date of PMOS 2651 assignment. See enclosure (2).

f. The FY 2021 Staff Sergeant Selection Board convened 13 July 2021. Petitioner was considered as a PMOS 2651 and was selected for promotion to Staff Sergeant. See enclosure (3).

g. On 15 September 2021, Petitioner submitted a request to Headquarters, Marine Corps (MMPR-2) for remedial promotion consideration by the FY 2020 Staff Sergeant Selection Board. Because he had already been selected to the rank of Staff Sergeant, Petitioner's request was denied on 14 December 2021. MMPR-2 relied on reference (b) which states a Marine cannot receive remedial consideration for a rank currently held or to which selected. MMPR-2 recommended Petitioner request consideration for a back date of his promotion from this Board. See enclosure (3).

h. Petitioner was promoted to Staff Sergeant on 1 December 2021. In his petition for relief, he requests his promotion be backdated to have occurred on an unspecified date in FY 2021. See enclosure (1).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined Petitioner's request warrants partial relief. The Board, relying on reference (b) and noting the inexcusable delay of his PMOS reclassification "due to processing time" of more than a year, determined an exception to the policy relied upon by MMPR-2 in its denial of Petitioner's request for remedial consideration was warranted. The Board however was unwilling to simply grant a back date of Petitioner's promotion date but concluded he should be granted remedial consideration for promotion to Staff Sergeant.

## RECOMMENDATION

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

HQMC (MMPR-2) convene an Enlisted Remedial Selection Board (ERSB) to consider Petitioner for selection by the FY 2020 Staff Sergeant Selection Board, ensuring his PMOS is reflected as 2651.

That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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.

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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.

7/1/2022

[REDACTED]

Deputy Director

[REDACTED]