



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

MMK
Docket No. 2338-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED],
[REDACTED] USMCR

Ref: (a) 10 U.S.C. § 1552
(b) MARADMIN 061/20
(c) MARADMIN 019/21

Encl: (1) DD Form 149 w/attachments
(2) MCTFS – 600 Screen of 25 May 22
(3) NAVMC 321A of 9 Aug 21
(4) MCTFS – Enlistment Screen of 20 May 22
(5) NAVMC 321A of 6 Jan 22
(6) Advisory Opinion by HQMC memo 1400/3 MMPR-2 of 13 Apr 22

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 to establish promotion to Staff Sergeant (SSgt)/E-6 effective 1 February 2021.

2. The Board, reviewed Petitioner's allegations of error and injustice on 26 May 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 enclosures (1) through (6), 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 that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Petitioner transferred to Active Reserve component effective 20 June 2016. See enclosure (2).

b. On 3 February 2020, Petitioner was selected for SSgt/E-6/number 105 of 107¹.

¹ Reference (b) announced the Fiscal Year 2020 approved Active Reserve (AR) Staff Non-Commissioned Officer (SNCO) Selections.

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c. Petitioner was released from active duty and transferred to the Individual Ready Reserve on 20 September 2020. See enclosure (2)

d. Petitioner transferred to the SMCR effective 6 October 2020. See enclosure (2).

e. On 9 August 2021, Petitioner extended for a term of 16 months “for promotion obligated service requirements.” See enclosures (3)-(4).

f. On 6 January 2022, Petitioner extended for a term of 3 months “in order to gain obligated service for promotion per FY 20 AR Selection Board.” See enclosures (4)-(5).

g. On 13 April 2022, Headquarters Marine Corps (HQMC) (MMPR-2) provided an unfavorable advisory opinion to enclosure (1). MMPR-2 recommended disapproval of relief based on Petitioner not meeting the 24 months obligated service. Additionally, Petitioner was notified via Marine Online (MOL) message indicating, “You are not in compliance with the obligated service requirements per MARADMIN 334/20 and do not meet the requirements to be promoted to the next higher grade. You will not be promoted with a date of rank and effective date of 1 February 2021 until you comply with the established guidelines. HQMC (MMPR-2) will input the promotions manually into Marine Corps Total Forces System, once you comply with the established guidelines.” See enclosure (6).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board unanimously concluded the Petitioner’s request warrants favorable corrective action, despite the contents of enclosure (6). In this regard, the Board determined that Petitioner might not have received notification of non-compliance through MOL due to his change in status (e.g., transferred to the SMCR effective 6 October 2020). The Board found had Petitioner received the proper counseling, he would have submitted an extension in a timely manner to obligate service for promotion to SSgt/E-6 effective 1 February 2021 in accordance with reference (c)², therefore, under these circumstances, relief is warranted.

RECOMMENDATION

That the Petitioner’s naval record be corrected, where appropriate, to show that:

On 30 January 2021, Petitioner requested a 19-month extension to obligate service for promotion to SSgt/E-6 effective 1 February 2021; request approved by cognizant authority. Reserve End of Current Contract is 22 February 2023.

² Reference (c) promulgated the February 2021 SNCO promotion for AR, Selected Marine Corps Reserve (SMCR), and Individual Ready Reserve (IRR) and March 2021 Planned SNCO promotions to AR, SMCR, and IRR. “In accordance with reference (f) [MARADMIN 334/20], before delivering appointment certificate to Marines in this category, effective January 2021, reserve component Marines who are selected to the ranks of SSgt through SgtMaj/MGySgt, to include meritorious promotions, must have at least 24 months of obligated service (OBS) remaining on contract beginning on the date of their promotion.” Additionally, “Marines who do not comply with OBS requirements prior to their seniority number being reached will receive a date of rank and effective date for the 1st of the month after compliance with OBS requirements.”

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This change will entitle Petitioner to promotion to SSgt/E-6 effective 1 February 2021.

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine retroactive pay and allowances entitlement.

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. The foregoing action of the Board is submitted for your review and action.

6/14/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

7/20/2022

[REDACTED]

Acting Assistant General Counsel (M&RA)

[REDACTED]