



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

[REDACTED]
Docket No: 3081-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) Fitness Report for the reporting period 1 Jun 19 to 26 Apr 20
(3) Fitness Report for the reporting period 6 Jun 20 to 1 Jul 20

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 his naval record be corrected by removing his failure of selection by the Fiscal Year 2022 (FY22) USMC Major Promotion Selection Board.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 1 September 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 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. Petitioner was assigned Humanitarian Orders from April 2018 through June 2020. Due to geographical distance and extenuating circumstances, he received non-observed fitness reports during this timeframe.

c. Petitioner was issued a "To Duty" non-observed fitness report for the reporting period 1 June 2019 to 26 April 2020 but the report was not signed by the Reporting Senior (RS) until 3 May 2021 or the Reviewing Officer (RO) until 23 July 2021. See enclosure (2).

d. Petitioner was issued a "Transfer" fitness report for the reporting period 6 June 2020 to 1 July 2020 but the report was not signed by the RS until 10 May 2021 or the RO until 23 July 2021. See enclosure (3).

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e. Prior to the FY22 USMC Major Promotion Selection Board, which convened on 11 August 2020, the RS and RO did not complete the non-observed fitness reports which created a significant gap in Petitioner's Master Brief Sheet and record.

f. Petitioner received a failure of selection at the FY22 USMC Major Promotion Selection Board.

g. Petitioner contends he contacted the RS and/or RO by email 22 times, by text message ten times, and by phone three times after his failure of selection in an effort to have them complete the missing non-observed fitness reports. On 15 July 2021, in preparation for the FY23 USMC Major Promotion Selection Board, he took the step of requesting admin fillers for the missing reports. Finally, on 23 July 2021, prior to the 10 August 2021 convening date, the RO completed the fitness reports.

h. Petitioner was selected for promotion to Major by the FY23 USMC Major Promotion Selection Board.

CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner's request warrants relief. The Board determined the promotion selection board was not presented with an accurate representation of Petitioner's performance due to errors in his record, specifically the missing fitness reports for the reporting periods 1 June 2019 to 26 April 2020 and 6 June 2020 to 1 July 2020. The Board concluded that Petitioner's FY22 failure of selection should be removed from his record.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing the failure of selection by the FY22 USMC Major Promotion Selection Board.

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.

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

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[REDACTED]

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

9/25/2022

[REDACTED]

Executive Director

[REDACTED]