



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

██████████
Docket No. 3379-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
XXX XX ██████████ USMCR

Ref: (a) 10 U.S.C. § 1552
(b) MCO P1400.32D W/CH 1 (MARCORPROMMAN, Vol 2, ENLPROM)

Encl: (1) DD Form 149 w/attachments
(2) HQMC memo 1400/3 MMPR-2 (10 June 2022)

1. Pursuant to reference (a), Petitioner, a staff noncommissioned officer of the Marine Corps, filed enclosure (1) with this Board, requesting that his date-of-rank (DOR) for gunnery sergeant (GySgt) be changed from 1 April 2022 to 1 July 2018.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 2 August 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 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 eligible for promotion consideration, however he failed selection during the Fiscal Year (FY) 2018, 2019, and 2020 Gunnery Sergeant (GySgt) Promotion Selection Boards. Petitioner was selected to the grade of GySgt/E-7 the by the FY 2022 Reserve (Selected Marine Corps Reserve/Individual Ready Reserve) (SMCR/IRR) Staff Noncommissioned Officer Promotion Selection board, and he was promoted with a DOR of 1 April 2022.

c. Petitioner contends that due to an administrative error he was passed over for promotion by the FY 2018-2020 GySgt Promotion Selection Board. Petitioner asserts that due to a Current Duty Code of "D Deserter/Parolee/Prisoner" resident within Marine Corps Total Force System (MCTFS) he was passed for promotion.

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d. Petitioner further contends that he was properly considered and selected by the FY 2020 Gunnery Sergeant (GySgt) Selection Board but that it was erroneously deleted from Marine Corps Total Force System (MCTFS).

e. On 10 June 2022, the Headquarters, Marine Corp Manpower Management Promotion Branch (MMPR-2) provided an advisory opinion (AO) which determined that the Petitioner was properly considered and not selected by the FY 2018 and FY 2020 GySgt Promotion Selection Boards. However, the AO recommended that the Petitioner be granted an Enlisted Remedial Selection Board (ERSB) for the FY 2019 Gunnery Sergeant Selection Board due to being erroneously briefed as PME incomplete. Enclosure (2).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial relief. In this regard, the Board determined that the Petitioner was improperly briefed as PME incomplete on the FY 2019 SNCO Promotion Selection Board convened and not selected. The Board determined that consideration by an enlisted remedial selection board (ERSB) is the best way to determine Petitioner's competitiveness for promotion amongst his FY 2019 peers. The Board also noted that Petitioner was selected by the FY 2022 Reserve (SMCR/IRR) SNCO Promotion Selection Board, and in accordance with reference (b), he is no longer eligible for consideration by an ERSB to the grade of GySgt/E-7. The Board however, concluded that in the interest of fairness, an exception to policy shall be invoked, and MMPR-2 shall convene an FY 2019 GySgt ERSB on Petitioner's behalf, and if he is selected, his GySgt/E-7DOR shall be adjusted.

Notwithstanding the recommended relief, the Board determined that the Petitioner was properly briefed and considered by the FY 2018 GySgt Selection Board. Therefore, they were not willing to grant Petitioner's request for a change to his DOR in the grade of GySgt/E-7 based on his allegation of error. In making this finding, the Board noted that if Petitioner had been declared a "Deserter/Parolee/Prisoner" within MCTFS, the Enlisted Promotion Section would have removed him from the Board population and he would not have been considered.

RECOMMENDATION

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

Petitioner be considered by an FY 2019 GySgt ERSB, and if selected, his DOR and effective date in the grade of GySgt/E-7 shall be adjusted to the date he would have received had he originally been selected by the FY 2019 Board.

No further relief be granted.

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 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.

8/29/2022

[REDACTED]
Executive Director

Signed by: [REDACTED]