



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

[REDACTED]
Docket No: 3476-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] [REDACTED] [REDACTED],
XXX XX [REDACTED] [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Fitness report for the reporting period 1 Jun 19 to 23 Jun 20
(3) Fitness report for the reporting period 24 Jun 20 to 3 Dec 20
(4) HQMC memos 1610 MMRP-13/PERB of 15 Apr 22
(5) HQMC memos 1610 MMRP-50 of 12 May 22

1. Pursuant to the provisions of the reference, 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 removing his failures of selections (FOS) to the next higher grade.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 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 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, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner was issued enclosure (2), a fitness report for the reporting period 1 June 2019 to 23 June 2020. Petitioner was also issued enclosure (3), a fitness report for the reporting period 24 June 2020 to 3 December 2020. Per enclosure (4), on 15 April 2022, the Marine Corps Performance Evaluation Review Board (PERB) directed the fitness reports to be modified. Specifically, the PERB directed that the report ending on 23 June 2020—Section F-5 (Communications Skills) be changed to block "E" vice block "D" and the report ending on 3 December 2020—remove the RS portion of the evaluation in its entirety.

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c. Petitioner failed selection by the Fiscal Year 2022 and FY 2023 USMC Lieutenant Colonel Promotion Selection Boards. According to enclosure (5), the advisory opinions (AO) furnished by Headquarters Marine Corps (MMRP-50), Petitioner's fitness reports were not written according to standard and negatively impacted the promotion board's consideration of his performance. The AO determined that with the erroneous reports in his record, Petitioner was less competitive and Petitioner was in a disadvantaged above-zone position during the subsequent promotion selection board. Therefore, the AO recommended removal of the failures of selection incurred by the FY 2022 and FY 2023 USMC Lieutenant Colonel Promotion Selection Boards.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting corrective action. In this regard, the Board noted the PERB corrections to Petitioner's record. The Board substantially concurred with the AOs and determined that the FY 2022 and FY 2023 Lieutenant Colonel promotion boards were not presented with an accurate representation of Petitioner's performance. Further, the Board determined that Petitioner was disadvantaged due to his above-zone status when considered by the FY 2023 promotion selection board. The Board concluded that Petitioner's FY 2022 and FY 2023 failures of selection shall be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing his failures of selection incurred during the FY 2022 and FY 2023 USMC Lieutenant Colonel Promotion Selection Board.

That no further changes be made to 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.

5/23/2022

X [REDACTED]

[REDACTED]
Deputy Director
Signed by: [REDACTED]