



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

██████████
Docket No. 4086-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) MARADMIN 138/19
(c) MARADMIN 143/20
(d) MARADMIN 088/21
(e) MCO P1400.32D W/CH. 2

Encl: (1) DD Form 149 w/attachments
(2) MCTFS Grade Data Screen, 30 Aug 22
(3) HQMC Memo 1400/3 MMPR-2, 26 Jul 22
(4) Petitioner's statement, 30 Aug 22
(5) CMC Memo 1400/3 MMPR-2, 31 Aug 22
(6) RAP-2 tasker DON-██████████ response, 29 Sep 22

1. Pursuant to the provisions of reference (a) Section 1552, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that he be granted an Enlisted Remedial Selection Board (ERSB) for the Fiscal Year (FY) 2022 Reserve Staff Noncommissioned Officer (RSNCO) Promotion Selection Board.

2. The Board, consisting of ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 12 December 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 service 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 regulation within the Department of the Navy.

b. The FY 2019 RSNCO Promotion Selection Board convened on 23 January 2019. Petitioner was eligible, in-zone, for consideration in primary military occupational specialty (PMOS) 0261. Per reference (b), Petitioner was not selected and incurred a pass for promotion.

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

c. Petitioner was not eligible for promotion consideration by the FY 2020 or FY 2021 RSNCO Promotion Selection Boards because PMOS 0261 was closed. See references (c) and (d).

d. The FY 2022 RSNCO Promotion Selection Board convened on 19 January 2022, and although there was one allocation for promotion for PMOS 0261, and Petitioner met all promotion-eligibility criteria, Petitioner was not included in the eligible population. Petitioner contends he was unjustly denied promotion consideration by the FY 2022 RSNCO Promotion Selection Board due to an error in the promotion-zone information that was furnished to the Manpower Management Division Promotion Branch, Enlisted Promotions (MMPR-2) and due to his date-of-rank and prior failure of selection, he should have been considered in the above-zone (AZ) population, in accordance with reference (e). Enclosure (2).

e. The advisory opinion (AO), furnished by MMPR-2 recommended Petitioner's request for remedial promotion consideration be denied. MMPR-2 correctly noted that due to a previous failure of selection by the FY 2019 RSNCO Selection Board, Petitioner would have been placed in the above zone population for the FY 2022 RSNCO Selection Board in accordance with reference (c). Additionally, MMPR-2 manually verifies DCC's as part of the selection board process to determine a Marine's eligibility and appropriate zone. Once verified, a Marine is either removed from the eligible population or moved into an appropriate zone in the case of Marines who have been previously passed. MMPR-2 determined that the above zone was closed for PMOS 0261, and Petitioner, therefore, was properly omitted from promotion consideration. Enclosures (3) and (5).

f. In Petitioner's rebuttal to the MMPR-2 AO, he notes that in accordance with reference (c), "SNCOs who are eligible for promotion consideration and who have been previously considered for promotion will continue to be considered for promotion as long as they remain in the Marine Corps, or until they have been selected for promotion to the next higher grade." He further claims that per conversation with members of the Reserve Affairs Personnel Policy, Plans, and Programming Branch (RAP-2) at no time did they consider the transmission of "N/A" [in their Promotion Plan] for the above zone to indicate that no Marines who were correctly placed in the above zone to not be considered for promotion. He also claims that the error was due in part to the missing Draw Case Code (DCC) from his record. Enclosure (4).

g. The advisory opinion (AO), furnished by the RAP-2, recommended Petitioner be granted remedial consideration for the FY 2022 RSNCO Promotion Selection Board, stating that the error was due to a missing DCC in Petitioners record. Furthermore, the AO states that RAP-2 found five Marines, including the Petitioner who would require remedial consideration for the same issue. Enclosures (6).

CONCLUSION

Upon review and consideration of the evidence of record, and especially in light of the RAP-2 AO, the Board determined Petitioner's request warrants relief.

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

The Board noted that Petitioner was considered and not selected by the FY 2019 RSNCO Promotion Selection Board. Therefore, a DCC of "AW" indicating Petitioner had been once passed for promotion should have been entered in his record. Although eligible, Petitioner was not considered in the above-zone by the FY 2022 RSNCO Promotion Selection Board due to improper submission of zones from RAP-2 to MMPR-2, due in part to the lack of DCC "AW" in Petitioner's record. The Board concluded that Petitioner should have been considered in the above-zone by the FY 2022 RSNCO Promotion Selection Board. The Board concluded that a FY 2022 ERSB shall be convened to consider Petitioner for selection to gunnery sergeant.

RECOMMENDATION

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

Petitioner's naval record be corrected by convening a FY 2022 RSNCO (SMCR-IRR) ERSB to consider Petitioner in the above-zone for selection to gunnery sergeant in PMOS 0261.

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.

1/5/2023

[REDACTED]

Deputy Director

[REDACTED]