



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

[REDACTED]
Docket No. 5644-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) CMC ltr 1610 MMRP-13/PERB, 15 Jul 22

Encl: (1) DD Form 149 w/enclosures
(2) HQMC memo 1610 MMRP-50, 3 Aug 22

1. Pursuant to reference (a), Petitioner, a commissioned officer of the Marine Corps, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removing his failure of selection (FOS) to the grade of lieutenant colonel.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 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 failed selection by the Fiscal Year (FY) 2023 USMC Lieutenant Colonel Promotion Selection Board (PSB). Petitioner implicitly contends that errors in his 2 September 2016 to 31 May 2017 Fitness Report diminished his competitiveness, and caused his FOS incurred by the FY 2023 USMC Lieutenant Colonel Promotion Selection Board. Pursuant to reference (b), the Headquarters, Marine Corps Performance Evaluation Review Board corrected the errors in Petitioner's fitness report, after he failed selection.
 - c. The Advisory Opinion furnished by Headquarters, Marine Corps (MMRP-50) recommends approving Petitioner's request to remove his FY 2023 FOS, noting that changes made to Petitioner's fitness report for the reporting period 2 September 2016 to 31 May 2017 met the threshold for positive correction significant enough to have potentially altered the FY 2023 Lieutenant Colonel PSB's decision. The AO further noted that changes to in-grade fitness

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reports have the potential to be more significant than changes to previously held grade reports. Enclosure (2).

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the AO, the Board determined that Petitioner's request warrants relief. The Board noted that, after Petitioner's fitness report was corrected, the "at processing" relative value improved from '80' to '100' and that the cumulative relative value remained as '96.19'. The Board substantially concurred with AO that this significant change in Petitioner's record would have improved the FY 2023 PSB's perception of Petitioner's competitiveness had his record been correct at the time the FY 2023 PSB failed to select him. The Board thus concluded that Petitioner's FOS incurred by the FY 2023 USMC Lieutenant Colonel PSB shall be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing his FOS incurred by the FY 2023 USMC Lieutenant Colonel Promotion Selection Board.

Note: HQMC will remove aforementioned FOS immediately based on the FY 2024 USMC Lieutenant Colonel Promotion Board convening on 9 August 2022.

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.

Sincerely,

8/8/2022

[REDACTED]