



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

██████████  
Docket No: 7180-22

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) MCO P1400.32D w/CH 2

Encl: (1) DD Form 149 w/attachments  
(2) Fitness report for the reporting period 14 Aug 19 to 30 Jun 20  
(3) DD 149 of 3 Feb 21  
(4) ██████████ 1400 ████████ of 27 Jan 21  
(5) CMC ltr 1610 MMRP-13/PERB of 11 Aug 21  
(6) ██████████ ltr 1400 ████████ of 10 Dec 21  
(7) CMC ltr 1400/3 MMRP-2 of 6 Apr 22

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 consideration by the Fiscal Year (FY) 2021 Sergeant Major through Master Sergeant Enlisted Remedial Selection Board (ERSB) for the rank of Master Gunnery Sergeant (MGySgt).

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 18 October 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's fitness report for the reporting period 14 August 2019 to 30 June 2020 was processed and filed for inclusion in his official military personnel file (OMPF) on 22 September 2020. Enclosure (2).

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c. On 20 October 2020, the Fiscal Year (FY) 2021 Sergeant Major through Master Sergeant Promotion Selection Board convened. The FY 2021 promotion selection board (PSB) had one allocation for promotion for Petitioner's military occupational specialty (MOS) 0321, Reconnaissance Marine. Petitioner's record was considered for promotion but he was not selected.

d. On 3 February 2021, Petitioner submitted a request to the Marine Corps Performance Evaluation Review Board (PERB) to correct his contested fitness report. In support of his request, Petitioner provided correspondence from his Reporting Senior (RS), acknowledged making several administrative oversight in the preparation of Petitioner's fitness report. He did not correctly observe that marks which were intended to process a relative value of 100 percent were actually set to process a relative value of 90 percent. Petitioner's RS requested to increase two attribute marks from 'D' to 'E'. Enclosures (3) and (4).

e. On 11 August 2021, the PERB approved the correction to Petitioner's record by modifying Section F.4 (Ensuring Well-Being of Subordinates) and Section G.1 (Professional Military Education) from block 'D' to block 'E'. Enclosure (5).

f. On 10 December 2021, Petitioner submitted a request to the Marine Corps Enlisted Promotions Branch (MMPR-2) requesting an ERSB. MMPR-2 disapproved Petitioner's request citing the requirement for due diligence. According to reference (b), Marines must identify errors, discrepancies or an injustice in their record in a timely manner and initiate appropriate corrective action prior to the convening of the selection board which considered but did not select the Marine. In Petitioner's case, the FY 2021 PSB convened on 20 October 2020 and Petitioner did not submit a request to correct his record until 3 February 2021. Enclosure (6) and (7).

g. In his application, Petitioner contends that his RS submitted his fitness report late and inaccurately. Annual fitness reports for his grade are due on 31 July to allow Marines ample time to review and seek counsel and correction in the event of injustices. Had his RS completed the fitness report in a timely manner, he would have had the appropriate time to seek corrective action prior to the convening date of the promotion board.

## CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found the existence of an injustice warranting corrective action.

The Board noted the decision by MMPR-2 and determined that it was unreasonable to expect that Petitioner could have reviewed, obtained the necessary endorsement, and petitioned to correct his record in less than 30 days. In this regard, the Board noted that Petitioner's fitness report ending 30 June 2020 was not processed until 22 September 2020, less than 30 days from the convening of the FY 2021 PSB. The Board also noted Petitioner's statement regarding the limitations due to deployment, the RS' statement admitting that he inaccurately marked Petitioner's fitness report, and his explanation for late submission of the fitness report. The Board found both Petitioner's and the RS's statement to be credible and determined that based

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upon the competitiveness and limited promotion allocations for Petitioner's MOS, the modification to his fitness report may have influenced the promotion board in his favor. The Board thus determined that Petitioner should have the opportunity to have his considered by the FY 2021 Sergeant Major through Master Sergeant ERSB.

#### RECOMMENDATION

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

Petitioner be granted an ERSB for consideration by the FY 2021 Sergeant Major through Master Sergeant PSB.

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.

11/9/2022

[REDACTED]  
Executive Director  
[REDACTED]