



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

█
Docket No. 8306-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
█ XXX XX █ / █ USMC

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) CMC ltr 1016 MMRP-13/PERB of 21 Oct 22
(3) HQMC memo 1610 MMRP-50 of 1 Nov 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 his naval record be corrected by modifying the fitness report for the reporting period 1 May 2018 to 31 July 2018.
2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 26 January 2023, 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 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. On 11 August 2021, the Fiscal Year 2022 (FY22) Marine Corps Chief Warrant Officer Promotion Selection Board convened. Petitioner was considered as part of the in-zone population but failed to select.
 - c. On 21 October 2022, the Headquarters Marine Corps Performance Evaluation Review Board (PERB) directed Petitioner's fitness report for the reporting period 1 May 2018 to 31 July 2018 be modified by changing the Section K-3 (Comparative Assessment) mark from block "5" to block "6" and replacing the Reviewing Officer's comment, "MRO recommended for promotion with peers," with the new comment, "MRO recommended for promotion ahead of peers." See enclosure (2).

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[REDACTED] XXX XX [REDACTED] USMC

d. Headquarters Marine Corps (MMRP-50) furnished enclosure (3), recommending Petitioner's FY22 failure of selection to chief warrant officer 4 be removed. Specifically, MMRP-50 noted that modification of the fitness report would be considered a "significant change in the record and would have improved the perception of competitiveness" had the record been correct at the time of the FY22 Marine Corps Chief Warrant Officer Promotion Selection Board's convening.

CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner's request warrants relief. The Board noted the PERB has taken favorable action and directed the requested relief for the contested fitness report. Although Petitioner did not specifically request removal of the failure of selection, the Board considered Petitioner's implied request and, relying on enclosure (3), determined the FY22 Marine Corps Chief Warrant Officer Promotion Selection Board was not presented with an accurate representation of Petitioner's performance. The Board concurred with the AO and concluded the FY22 failure of selection should be removed from Petitioner's record.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing the failure of selection incurred by the FY22 Marine Corps Chief Warrant Officer Promotion Selection Board.

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 Regulation, 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.

2/26/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]