



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

[REDACTED]
Docket No. 8323-22
8325-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) MCO 1610.7A

Encl: (1) DD Forms 149 w/enclosures (Docket No. 8323-22 and 8325-22)
(2) CMC ltr 1016 MMRP-13/PERB (FITREP ending on 30 Apr 21), 21 Oct 22
(3) CMC ltr 1016 MMRP-13/PERB (FITREP ending on 31 Oct 21), 21 Oct 22
(4) AO Memo 1610 MMRP-50 (FITREP ending on 30 Apr 21), 1 Nov 22
(5) AO Memo 1610 MMRP-50 (FITREP ending on 31 Oct 21), 1 Nov 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 his naval record be corrected by modifying the fitness reports for the reporting periods 1 March 2021 to 30 April 2021 and 1 May 2021 to 31 October 2021. Additionally, Petitioner requested removal of all failures of selection.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. On 1 February 2022 the Fiscal Year 2023 (FY 2023) USMC Captain Promotion Selection Board convened. Petitioner was considered as part of the in-zone population but failed to select.

b. On 21 October 2022 the Performance Evaluation Review Board (PERB) directed Petitioner's Semi-Annual (SA) fitness report for the reporting period 1 March 2021 to 30 April 2021 be modified by changing the Section K-3 (Comparative Assessment) mark from block "4" to block "5." Enclosure (2).

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c. On 21 October 2022 the PERB directed Petitioner's "To Duty" (TD) fitness report for the reporting period 1 May 2021 to 31 October 2021 be modified by changing the Section K-3 (Comparative Assessment) mark from block "4" to block "5." Enclosure (3).

d. Headquarters Marine Corps (MMRP-50) provided enclosures (4) and (5) recommending Petitioner's FY 2023 failure of selection to captain be removed. Specifically, in two separate advisory opinions (AOs), MMRP-50 noted that modification of the SA and/or TD reports 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 FY 2023 USMC Captain 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 each of the contested fitness reports in accordance with reference (b). The Board considered Petitioner's request to remove the failure of selection and, relying on enclosures (4) and (5), determined the FY 2023 USMC Captain Promotion Selection Board was not presented with an accurate representation of Petitioner's performance. The Board concurred with the AOs and concluded the FY 2023 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 FY 2023 USMC Captain 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.

1/27/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]