



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

[REDACTED]
Docket No. 8340-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) CMC ltr 1610 MMRP-13/PERB, 21 Oct 22
(3) HQMC memo 1610 MMRP-50, 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 to remove his failures of selection (FOSs).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 January 2023 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. On 7 July 2022, Petitioner submitted an application to the Marine Corps Performance Evaluation Review Board (PERB) requesting to modify his fitness report for the reporting period 24 October 2020 to 31 May 2021 by increasing his attribute marks for courage and ensuring the well-being of subordinates from "D" to "E." On 21 October 2022, the PERB approved the correction to Petitioner's record. Enclosure (2).

c. In a memorandum dated 1 November 2022, Headquarters Marine Corps (MMRP-50) provided an advisory opinion (AO) for the Board's consideration, recommending that Petitioner's FOSs be removed. In this regard, the AO determined that the changes made to Petitioner's fitness report met the threshold for a positive correction significant enough to have altered the FY 2023 lieutenant colonel promotion board's decision. The AO explained that

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changes to in-grade reports have the potential to be more significant than changes to previously held grade reports. Thus, changing the reporting senior (RS) attribute markings changed the overall collective RS percentages in Petitioner's favor and increased the competitiveness of his profile to a promotion board. Enclosure (3).

d. In his application, Petitioner requested that his failures of selection be removed, if his fitness report for the reporting period 24 October 2020 to 31 May 2021 is corrected. Enclosure (1).

CONCLUSION

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

The Board substantially concurred with the AO that the correction to Petitioner's record was a significant change that would have improved the perception of Petitioner's competitiveness. The Board also considered that, as an above zone officer during FY 2024, Petitioner may have been disadvantaged by not receiving a premier brief and determined that Petitioner's FY 2023 and FY 2024 FOSs should be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing his failures of selection incurred during the FY 2023 and FY 2024 Marine Corps Lieutenant Colonel Promotion Section Boards.

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.

1/30/2023

[REDACTED]
Deputy Director
[REDACTED]