

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Petitioner noted that she was eligible for consideration, but was not considered due to pending administrative discrepancies in her record. Enclosure (3).

d. On 26 April 2022, the Board considered Petitioner's request to remove various page 11 entries related to a failed combat fitness test. The Board approved a correction to her record by removing the page 11 entries dated 5 October 2020 and 7 April 2021. Enclosure (4).

e. On 12 September 2022, MMPR-2 denied Petitioner's request for an Enlisted Remedial Selection Board (ERSB). MMPR-2 noted that according to reference (b), request must to be received no later than three years after the date the contested board results were made public. In addition, according to records the FY 2022 Individual Ready Reserve (IRR) Staff Non-Commissioned Officer (SNCO) selection board selected her for promotion. Thus, a Marine cannot receive remedial consideration for a rank currently held or to which selected. Enclosure (5).

f. In her application, Petitioner contends that a mistake was made in her record during 2018, the error caused her to be ineligible for the FY 2019 IRR SNCO selection board. Petitioner claimed that due to further issues that occurred during 2020, the error was delayed until 2021 when all issues were officially addressed. Petitioner also contends that she was considered ineligible during FY 2019 due to a lack of annual satisfactory points. Enclosure (1).

CONCLUSION

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

The Board considered Petitioner's statement regarding her lack of eligibility during the FY 2019 IRR SNCO selection board and determined that contrary to her statement, Petitioner's promotion history revealed that she was properly consider for promotion during FY 2019 and she was not selected. The Board noted that the FY 2019 IRR SNCO selection board convened on 23 January 2019, Petitioner's adverse material was not included in her record until after the FY 2019 selection board was released. The Board also noted that Petitioner was properly consider during the FY 2021 and FY 2022 IRR SNCO selection boards. Petitioner was not selected for promotion during FY 2021, but was selected for promotion during FY 2022. The Board also considered the correspondence furnished by MMPR-2 denying Petitioner's request for remedial promotion consideration and concurred with their decision. The Board, however, found sufficient evidence that Petitioner was not considered for promotion by the FY 2020 promotion board although she was eligible and should have been considered. Accordingly, although already promoted to SSgt, the Board determined that in the interest of justice an exception to policy is warranted by granting Petitioner remedial consideration during the FY 2020 IRR SNCO selection board.

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RECOMMENDATION

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

Petitioner's naval record be corrected by convening a FY 2020 IRR SNCO Promotion Section Board.

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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.

1/31/2023

[REDACTED]

Deputy Director

[REDACTED]