



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

██████████
Docket No. 41-23
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) Fitness Report 1 Jun 17 to 22 Sep 17
(3) HQMC (MMRP-13/PERB), 15 April 2022
(4) HQMC (MMRP-50), 21 June 2022

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 that his naval record be corrected by removing his failures of selection (FOS) incurred by the Fiscal Year (FY) 2023 and FY 2024 Active Duty USMC Lieutenant Colonel Promotion Selection Boards. The Board did not consider Petitioner's request to remove the fitness report at enclosure (2) because this error in his record has already been corrected by Headquarters Marine Corps (HQMC), Performance Evaluation Review Board (PERB).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 31 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. 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. Petitioner was issued a fitness report for the reporting period 1 June 2017 to 22 September 2017. Petitioner requested removal of this fitness report, and on 15 April 2022 HQMC, PERB directed removal of the fitness report from Petitioner's official military personnel file. Enclosures (2) and (3).

b. According to the memorandum provided by HQMC (MMRP-50), removal of the fitness report meets the threshold for positive correction significant enough to have potentially altered any promotion board's decision and the removal of the fitness report changes the overall

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collective percentages in the petitioner's favor as well as increase the competitiveness of the profile to a promotion board. Therefore, MMRP-50 recommended Petitioner's request to remove his FOSs to the grade of Lieutenant Colonel. Enclosure (4).

c. Petitioner failed selection by the FY 2023 and FY 2024 Active Duty USMC Lieutenant Colonel Promotion Selection Boards. The now-removed fitness report was available for consideration by the FY 2023 Promotion Selection Board.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief. In this regard, the Board noted that the PERB made a substantial modification of the Petitioner's record by removing the fitness report at enclosure (2). The Board concurred with MMRP-50 and determined that the FY 2023 Promotion Selection Board was not presented with an accurate representation of Petitioner's performance due to errors in his official military personnel file and that the error may have potentially impacted the Promotion Board's decision. Additionally, the Board noted that, although his record was correct at the time he failed selection by the FY 2024 Promotion Selection Board, he was likely disadvantaged due to being in the Above Zone. The Board thus concluded that Petitioner's FY 2023 and 2024 FOSs shall be removed from his record.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing his FOSs incurred by the FY 2023 and FY 2024 Active Duty USMC Lieutenant Colonel Promotion Selection 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.

2/27/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]