



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

██████████  
Docket No. 2319-23  
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) Title 10 U.S.C. § 1552  
(b) MARADMIN 281/19 (Solicitation into PMOS 0211)  
(c) MARADMIN 456/21 (FY 21 SSgt Approved Selections)  
(d) MARADMIN 478-22 (FY 22 SSgt Approved Selections)  
(e) MCO P1400.32D w/CH2 (ENLPROMMAN)

Encl: (1) DD Form 149 w/attachments  
(2) RELM Req and Command Recs, 7 Oct 21  
(3) Req for Conditional Release and Command docs, 17 Apr 20  
(4) Petitioner Orders to ██████████  
(5) Rank/MOS Report for 0211 MOS  
(6) MOS 0200 CI/HUMINT Class List  
(7) Email traffic with MMRP-31 for Admin Correction to Fitrep date gap  
(8) Email traffic with MMRP-2 on Remedial Consideration  
(9) Req for Remedial Promotion Consideration by the FY21 SSgt PSB, 29 Aug 22  
(10) HQMC MMRP-2 Denial Response, 6 Mar 23

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 to correct his date of rank to Staff Sergeant (SSgt) as a result of the Fiscal Year (FY) 2021 SSgt Promotion Selection Board (PSB) and awarded back pay and allowances.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 2 May 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. Per reference (b), Headquarters Marine Corps published a Marine Administration Message solicited qualified Marines to lateral move into the Counterintelligence Human Intelligence (CI/HUMINT) Primary Military Occupations Specialty (MOS) 0211. Petitioner was screened

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and approved for lateral move from the active reserve as an 0231 to active duty as a 0211 specialist. Petitioner submitted his reenlistment, which was approved by his command. Petitioner re-enlisted into an active duty status on 8 September 2020. Per the Petitioner, he was placed in a hold status as a civilian from 9 September 2020 to 7 November 2020, which created a date gap, because the Military Entrance Processing Station did not process his reenlistment package and erroneously discharged him. Enclosures (1)-(3).

b. On 8 November 2020, Petitioner reported to Recruiting Station [REDACTED] awaiting CI/HUMINT course. From 15 March 2021 to 23 September 2021, Petitioner was in a student status at the CI/HUMINT course. Enclosure (4).

c. Per reference (c), Petitioner was not considered for promotion to SSgt for the FY 21 SSgt PSM; however, his classmates who graduated with him with the same 0200 MOS were considered and promoted. Enclosures (5) and (6).

d. On 23 September 2021, Petitioner was issued the 0211 Independent MOS (IMOS) and submitted his initial remedial promotion consideration for the FY 21 SSgt PSM, but was told that the fitness report (Fitrep) date gap that was created as a result of him erroneously being discharged, was not fixed. Petitioner was informed to pull his package and resubmit once the error was corrected. Enclosures (1) and (7).

e. Per reference (d), Petitioner was selected to the rank of SSgt in the 0211 MOS with a seniority number of 932. Petitioner subsequently re-submitted for remedial promotion consideration for the FY 21 SSgt PSB, citing the error that resulted in a Fitrep date gap and the year-long process of trying to correct this error. Petitioner was later promoted to the rank of SSgt on 1 November 2022. On 6 March 2023, Headquarters Marine Corps (MMPR-2) denied the Petitioner's request, citing that per reference (e), Petitioner cannot receive consideration for a rank currently held or to which selected. Enclosures (8)-(10).

f. Petitioner contends that when he re-enlisted on active duty in September 2020, an administrative error beyond his control resulted in a Fitrep date gap of 60 days. Consequently, the FY 21 SSgt PSB did not consider him despite him meeting all other criteria for consideration, selection, and promotion. Petitioner asserts that he struggled for a year to correct the date gap, including having to redouble his efforts to fix a duplication of the documents causing the date gap. Once the date gap was fixed in August 2022, he filed a remedial promotion request that same month. His request was due to a technicality that applied to him, but none of the other E-5s in his class that were selected and promoted, regarding his MOS status during the FY 21 SSgt PSB. Petitioner further contends the denial completely disregarded the history and substance of the issue. The whole process took so long that he was considered by the FY 22 SSgt PSB, selected for promotion, and promoted on 1 November 2022.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief. In this regard, the Board noted the policy with regards to remedial promotion consideration per reference (e), however, determined that Petitioner's ineligibility for

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promotion consideration for the FY 21 PSB was due to no fault of his own. Furthermore, the Board felt the Petitioner took reasonable steps to correct his record prior to the convening of the FY 21 PSB. The Board concluded that the Petitioner submitted sufficient evidence to support his contentions and his date of rank should be adjusted to reflect the promotion to SSgt for the FY 21 PSM for IMOS 0211.

#### RECOMMENDATION

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

Headquarters, U.S. Marine Corps (MMPR-2) correct Petitioner's record to reflect the date of rank to SSgt to which he would have been promoted based on the results of the FY 21 PSB, and audit Petitioner's record to determine appropriate back pay and allowances due.

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 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.

5/28/2023

[REDACTED]  
Executive Director

Signed by: [REDACTED]