



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

██████████  
Docket No. 2520-23  
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

Encl: (1) DD Form 149 w/attachments  
(2) CMC ltr 1610 MMRP-13/PERB, 15 Jul 22  
(3) HQMC memo 1610 MMRP-50, 4 Aug 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 Fiscal Year (FY) 2023 and FY 2024 failures of selection (FOSs).

2. The Board, consisting of ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 4 April 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 3 August 2021, the FY 2023 Marine Corps Lieutenant Colonel (LtCol) promotion selection board (PSB) convened. Petitioner was considered in-zone and was not selected for promotion.

b. On 22 March 22, Petitioner submitted a petition to the Marine Corps Performance Evaluation Review Board (PERB) to modify his fitness report for the reporting period 2 October 2010 to 5 January 2011. On 15 July 22, the PERB granted Petitioner's request by changing the fitness report to not observed due to periods of non-availability that were not considered when the fitness report was written. Enclosure (2).

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

c. On 9 August 2022, the FY 2024 Marine Corps Lieutenant Colonel promotion selection board convened. Petitioner was considered above-zone and was not selected for promotion.

d. In an advisory opinion furnished by the Marine Corps Manpower Management Branch (MMRP-50) for the Board's consideration, recommended the removal of Petitioner's failure of selection. The AO noted that the presence of a significant positive correction to a Marine's record is a factor in the formulation of his opinion for concurring with any FOS removal request. The change must be significant enough to potentially alter the board's considered opinion. In addition, changes to in-grade reports have potential to be more significant than changes to previously held grade reports. The AO determined that the changes made to Petitioner's fitness report corrected a bottom third report, which resulted in a positive correction. The AO also determined that even though this is a correction to a previously held grade report and not an in-grade report, the threshold for significance is met. The AO concluded that the erroneous bottom third report considered during the LtCol PSB had the potential to negatively impact the perceived competitiveness of Petitioner's record. Enclosure (3).

e. In his application, Petitioner noted that he received favorable consideration by the PERB to remove his fitness report and by MMRP-50 to remove his failure of selection for the FY 2023 LtCol PSB. Petitioner noted that the FY 2024 LtCol PSB had convened before the Board could adjudicate his request and would like to be reconsidered for promotion under "first look" condition during the FY 2025 LtCol PSB. Enclosure (1).

## CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board concluded that corrective action is warranted.

The Board substantially concurred with the AO, that the change to Petitioner's record was significant. In this regard, the Board noted that the PERB approved a correction to Petitioner's record by changing his fitness report for the reporting period 2 October 2010 to 5 January 2011 to be not observed. The Board also noted that the change to Petitioner's record had a significantly positive impact on his middle and lower third reporting senior cumulative averages. The Board determined that the change to his record could impacted the perceived competitiveness of Petitioner's record. The Board also determined that Petitioner was disadvantaged as an above-zone officer and recommend that Petitioner's FY 2023 and FY 2024 failures of selection be removed.

## RECOMMENDATION

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

That all references to Petitioner FOS for promotion to Lieutenant Colonel by the FY 2023 and FY 2024 PSBs be removed from 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.

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

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.

4/11/2023

[REDACTED]

Deputy Director

[REDACTED]