



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

█
Docket No. 4086-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
█ USMC

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) █ memo 1610 MMRP-13/PERB dated 3 Apr 2023
(3) █ memo 1610 MMRP-50 dated 12 May 2023

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 modification of his annual fitness report for the reporting period 1 June 2018 to 31 May 2019. If his relief was granted, Petitioner requested his naval record be further corrected by removing all failures of selection.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 25 May 2023, and pursuant to its regulations, determined 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 as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. On 3 August 2021, the Fiscal Year (FY) 2023 Marine Corps Active Duty Lieutenant Colonel Promotion Selection Board (PSB) convened. Petitioner was considered as part of the in-zone population but failed to select. On 9 August 2022, the FY 2024 Marine Corps Active Duty Lieutenant Colonel PSB convened but Petitioner, who was part of the above-zone population, failed to select.

c. On 3 April 2023, the Performance Evaluation Review Board (PERB) directed the fitness report for the reporting period 1 June 2018 to 31 May 2019 be modified as requested. Specifically, the attribute markings for E.2 (Initiative) and F.2 (Developing Subordinates) were changed to block "D" vice block "C." Further, the comparative assessment was moved to block "6" vice block "5" and the word "just" removed from the first sentence of the Reviewing Officer's comments. See Enclosure (2).

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d. Headquarters Marine Corps (MMRP-50) provided enclosure (3) recommending Petitioner's FY 2023 and FY 2024 failures of selection to Lieutenant Colonel be removed. Specifically, MMRP-50 noted the modifications to the fitness report meet the threshold for positive correction significant enough to have potentially altered the Lieutenant Colonel PSB decisions.

CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner's request warrants relief. The Board noted the PERB has taken favorable action and directed the requested relief for the contested fitness report. The Board concurred with the AO at enclosure (3) and concluded the FY 2023 and FY 2024 failures of selection should be removed from Petitioner's record.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing the failures of selection by the FY 2023 and FY 2024 Marine Corps Active Duty Lieutenant Colonel PSBs.

That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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.

6/9/2023

[REDACTED]