



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

█
Docket No. 6512-23
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
(b) MARADMIN 311/23, FY23 Approved Selections to GySgt
(c) MARADMIN 339/23, Change 1 to July 2023 Promotions for SNCOs
(d) MCO P1400.32D
(e) MARADMIN 334/20, Obligated Service

Encl: (1) DD Form 149 w/enclosures
(2) HQMC (MMEA) Email of 6 Sept 23
(3) HQMC (MMEA) Email of 6 Sept 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 backdate of promotion to Gunnery Sergeant.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of injustice on 12 September 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 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 4 May 2023, Petitioner began his reenlistment package. On 8 May 2023, the first person in his chain of command signed his request. Enclosure (2).

c. On 16 June 2023, pursuant to reference (b), the results for the Fiscal Year 2023 (FY23) Gunnery Sergeant Selection Board were announced. Petitioner was approved for selection with a seniority number of 137.

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d. On 30 June 2023, pursuant to reference (c), July promotions were published confirming that 500 selectees would be promoted to GySgt on 1 July 2023. These selectees included the Petitioner based upon his selection number of 137.

e. On 5 July 2023, the Commanding Officer signed Petitioner's request for reenlistment and his package was submitted to Headquarters Marine Corps (MMEA) on 10 July 2023. Enclosure (2).

f. On 1 August 2023, Petitioner's reenlistment package was approved. Accordingly, pursuant to references (d) and (e), Petitioner was subsequently promoted to GySgt with an effective date of 1 August 2023. Enclosure (3).

g. Petitioner contends that he initiated an extension but, due to pre-deployment leave and administrative oversight, it was not submitted until after 1 July 2023.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board found evidence of an injustice warranting relief. The Board noted that pursuant to reference (d), before delivering appointment to Marines in the grades GySgt or above, commanders must ensure each Marine has significant obligated service to enable him to serve 2 years in the grade to which promoted. The Board also noted that pursuant to reference (e), if a Marine does not gain obligated service on or before the first of the month, then their date of rank rolls to the next month. Thus, the Board noted Petitioner's promotion to GySgt with an effective date of 1 August 2023 was done in accordance with relevant policy. However, the Board also noted that Petitioner began his reenlistment package prior to the FY23 GySgt Promotion Selection Board and, through no fault of his own, it was submitted to HQMC after 1 July 2023. The Board noted, although his extension was submitted late due to administrative oversight, he made every effort to submit his reenlistment package prior to the convening of the GySgt Promotion Selection Board. Further, the Board noted that if his reenlistment request been approved by HQMC prior to 1 July 2023, his promotion would have been effected in accordance with reference (c). Thus, the Board determined that there was sufficient evidence of due diligence. Thus, the Board concluded that Petitioner shall be granted his original date of rank of 1 July 2023 based upon the results of the FY23 GySgt Promotion Selection Board.

RECOMMENDATION

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

Petitioner be granted his original DOR and effective date in the grade of GySgt/E-7 shall be adjusted to the date he would have received by the FY23 GySgt Promotion Selection Board.

That no further relief be granted.

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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.

9/26/2023

[REDACTED]

Executive Director
Signed by: [REDACTED]