



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

█  
Docket No. 7554-23  
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 1070 MMRP-13/PERB, 5 Jun 23  
(3) HQMC memo 1610 MMRP-50, 1 Sep 23

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 Fiscal Year (FY) 2024 failure of selection (FOS).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 5 December 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, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 5 January 2023, ALNAV 1/23 announced the FY 2024 Marine Corps lieutenant colonel selections. Petitioner was not selected for promotion. On 3 February 2023, Petitioner submitted an application to the Marine Corps Performance Evaluation Review Board (PERB) requesting to remove his fitness report for the reporting period 7 January 2022 to 15 June 2022. If approved, Petitioner also requested to remove his FY 2024 FOS. On 5 June 2023, the PERB directed a correction to Petitioner's record by removing his fore mentioned fitness report. Enclosure (2).

b. In a memorandum dated 1 September 2023, Headquarters, U.S. Marine Corps (MMRP-50) provided an advisory opinion (AO) for the Board's consideration recommending the removal of Petitioner's FOS. The AO noted that Petitioner's fitness report contained unjust material and was present in Petitioner's record when the FY 2024 lieutenant colonel promotion selection board convened on 9 August 2022. The AO determined that removal of the unjust fitness report meets the threshold for a positive correction significant enough to have potentially altered any

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promotion selection board's decision. The AO also determined that removal of the fitness report was a significant change in the record and could have improved the perception of competitiveness had the record been correct at the time of the board's convening. Enclosure (3).

#### CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found that Petitioner's request warrants corrective action:

In this regard, the Board substantially concurred with the AO. The Board determined that the removal of Petitioner's fitness report constituted a positive correction to his record and the correction was significant enough to have potentially altered the promotion selection board's decision. Accordingly, the Board concluded that Petitioner's FY 2024 FOS should be removed.

#### RECOMMENDATION

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

Petitioner's naval record be corrected by removing his FY 2024 FOS.

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.

[REDACTED]

Deputy Director

Signed by: [REDACTED]