



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

█
Docket No. 10703-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
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Ref: (a) Title 10 U.S.C. § 1552
(b) BnO 1412.1
(c) SECNAVINST 1412.10A
(d) BUPERSINST 1610.10F

Encl: (1) DD Form 149 w/attachments
(2) Fitness Report & Counseling Record, 1 Feb 20 to 25 Aug 20
(3) CO, █ ltr 1412 Ser CO/10972, 3 Nov 20
(4) Advisory Opinion by NPC Memo 1610 PERS-32, 8 Jan 24

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 that his naval record be corrected by removing the Fitness Report & Counseling Record (Fitness Report) for the reporting period 1 February 2020 to 25 August 2020 from his official military personnel file.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 13 February 2024 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 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 October 2019, █ implemented reference (b) which issued guidance on the management and execution of the Fleet Marine Force Warfare Officer/Qualified Officer (FMFWO/FMFQO) program for █. This order specifically directs all individual officers to qualify within 15 months of reporting onboard.

c. Petitioner was issued a Detachment of Reporting Senior/Regular Fitness Report (Fitness Report) for the reporting period 1 February 2020 to 25 August 2025 while assigned to █

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[REDACTED]. Block 41 comments on performance identify Petitioner's failure to meet FMF Warfare Officer Qualification timeline in accordance with reference (b). Enclosure (2).

d. On 3 November 2020, Petitioner successfully completed the required Personnel Qualification Standards to be deemed qualified as a FMFWO. Enclosure (3).

e. The advisory opinion (AO), furnished by Navy Personnel Command [REDACTED] recommended Petitioner's record remain unchanged. In this regard, the AO noted the contested fitness report was valid. The AO noted Petitioner received his qualification on 4 November 2020 which was beyond the 15 months of reporting to [REDACTED]. Enclosure (4).

f. Petitioner contends that the Battalion Order (BnO) was written and applied retroactively. Specifically, Petitioner had already been with the command for seven months; therefore, he contends that he received punitive action in the form of a negative statement on the aforementioned fitness report for failing to obtain the FMFWO qualification within 15 months. He also asserts that from the date the BnO was signed, he was awarded the FMFWO qualification within 13 months, which was well within the 15-month requirement of the BnO had it been effective the date signed. Finally, Petitioner contends that prior to the BnOs implementation, reference (c) was the sole instruction listing instructions for the FMFWO Program, which highly recommended that all eligible officers assigned to a U.S. Marine Corps command but did not make the FMFWO a mandatory requirement.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants partial relief. In this regard, although the Board agreed that the fitness report was valid and written in accordance with references (b) and (d). However, the Board agreed with Petitioner that he was disadvantaged by the BnO. Moreover, the Board felt reference (b) was flawed because it did not address those individuals who had been with the command prior to the signing of the BnO. Therefore, the Board determined the Fitness Report should be redacted by removing any mention of his failure to complete the FMFWO qualification.

RECOMMENDATION

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

Petitioner's naval record be corrected by modifying Enclosure (2) by removing the following sentence from block 41:

“-WARFARE QUAL: Mbr failed to meet FMF Warfare Officer qualification timeline per BnO 1412.1.”

That no further changes be made to Petitioner's naval record.

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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 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.

3/5/2024

