



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

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Docket No. 548-24
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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

Encl: (1) DD Form 149 w/enclosures (Docket Nos. 548-24, 550-24, 551-24, and 552-24)
(2) CMC memo 1610 MMRP-13/PERB, 21 Jul 23 (Fitness Report ending 31 Aug 20)
(3) CMC memo 1610 MMRP-13/PERB, 20 Jun 23 (Fitness Report ending 31 Aug 20)
(4) CMC memo 1610 MMRP-13/PERB, 21 Jul 23 (Fitness Report ending 31 May 19)
(5) CMC memo 1610 MMRP-13/PERB, 21 Jul 23 (Fitness Report ending 31 May 20)
(6) HQMC memo 1610 MMPB-24, 5 Jan 24

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 modifications to three Fitness Reports: 1) Transfer (TR) Fitness Report for the reporting period 1 June 2020 to 31 August 2020; 2) Annual (AN) Fitness Report for the reporting period 1 June 2018 to 31 May 2019; and 3) AN Fitness Report for the reporting period 1 June 2019 to 31 May 2020. Additionally, Petitioner requested removal of failures of selection for promotion to the next higher grade.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 25 January 2024, 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Petitioner was issued a TR Fitness Report ending 31 August 2020. Per enclosures (2) and (3), the Performance Evaluation Review Board (PERB) directed Section H.1 be marked in block "H" vice block "E" and the Reviewing Officer's Comparative Assessment be marked in block "6."

b. Petitioner was issued an AN Fitness Report ending 31 May 2019. Per enclosure (4), the PERB directed Section H.1 be marked in block "H" vice block "E."

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c. Petitioner was issued an AN Fitness Report ending 31 May 2020. Per enclosure (5), the PERB directed section H.1 be marked in block "H" vice block "E."

d. Petitioner failed selection by the Fiscal Year (FY) 2024 and FY 2025 Lieutenant Colonel Promotion Selection Boards (PSBs). According to enclosure (6), the advisory opinion (AO) furnished by Headquarters Marine Corps (MMPB-24), the summation of the changes directed by enclosures, is significant and would have improved the perception of competitiveness had the record been correct at the time of the FY 2024 Lieutenant Colonel PSB convene date. Additionally, Petitioner's record was in an above-zone status during the FY 2025 PSB that convened 25 July 2023. Preparation and record briefing for above-zone records is substantially less than in-zone records. Therefore, the AO recommended removal of the FY 2024 and FY 2025 failures of selection to afford Petitioner the opportunity to have his record considered in a future Lieutenant Colonel PSB without the stigma of being previously considered and not selected.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting corrective action. In this regard, the Board, noting the significant modification of the contested fitness reports, substantially concurred with the AO at enclosure (6) and determined the FY 2024 and FY 2025 Lieutenant Colonel PSBs were not presented with accurate representations of Petitioner's performance. The Board concluded Petitioner's FY 2024 and FY 2025 failures of selection 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 failures of selection incurred during the FY 2024 and FY 2025 Lieutenant Colonel PSBs.

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.

2/9/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]