



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

█
Docket No. 1062-24
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
(2) CMC memo 1610 MMRP-13/PERB, 20 June 2023
(3) HQMC memo 1610 MMPB-24, 2 February 2024

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 removal of the fitness report for the reporting period 18 May 2019 to 2 July 2019. In the alternative, he requested modification to the report by making the Reporting Senior (RS) and Reviewing Officer (RO) portions not observed. If his request was approved, Petitioner requested removal of all failures of selection to the next grade.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 8 February 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. 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. Petitioner was issued a transfer (TR) Fitness Report for the reporting period 18 May 2019 to 2 July 2019. On 20 June 2023, the Performance Evaluation Review Board modified the fitness report to indicate the RS's portion was not observed due to insufficient observation time¹.

c. Petitioner failed selection by the Fiscal Year (FY) 2024 and FY 2025 Lieutenant Colonel Promotion Selection Boards (PSBs). According to enclosure (3), the advisory opinion (AO) furnished by Headquarters Marine Corps (MMPB-24), correcting the current grade Fitness

¹ The RO portion of the contested report already reflected "insufficient" observation time.

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Report by removing the erroneous RS attribute markings changes the overall RS percentages in Petitioner's favor. These changes are significant and would have improved the perception of competitiveness had the record been correct at the time of the FY 2024 Lieutenant Colonel PSB convening 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 not selected. Enclosure (3).

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 report, substantially concurred with the AO at enclosure (3) 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 recommends 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.

3/5/2024

