



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 2632-00

30 August 2000

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

Subj: CAP [REDACTED] USN [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 6 Apr 00 w/attachments  
(2) HQMC MMOA-4 memo dtd 5 May 00  
(3) HQMC MMPR memo dtd 20 May 00  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing his failure of selection before the Fiscal Year (FY) 2000 Captain Selection Board. He further requested that his record be corrected to show the lineal position, date of rank, and effective date in the grade of captain he would have been assigned had he been selected for promotion to that grade by the FY 2000 Captain Selection Board, vice the FY 2001 Captain Selection Board. His current date of rank and effective date as a captain is 1 August 2000.

2. The Board, consisting of Messrs. Ensley, Schultz, and Swarens, reviewed Petitioner's allegations of error and injustice on 24 August 2000, 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, 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Headquarters Marine Corps (HQMC) Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), the office having cognizance over the subject matter of Petitioner's request to strike his failure of selection for promotion, has commented to the effect that this request has merit and warrants favorable action.

c. In correspondence attached as enclosure (3), the HQMC Promotion Branch (MMPR) has advised that had Petitioner been selected by the FY 2000 Captain Selection Board, he would have been assigned a date of rank and effective date of 1 June 2000.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

a. That Petitioner's record be corrected by removing his failure by the FY 2000 Captain Selection Board.

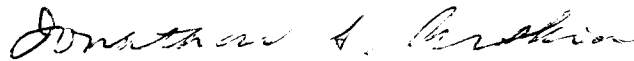
b. That Petitioner's record be further corrected, where appropriate, to show his date of rank and effective date in the grade of captain as 1 June 2000, the date he would have been assigned had he been selected by the FY 2000 Captain Selection Board; and that his lineal precedence be adjusted accordingly.

c. 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.

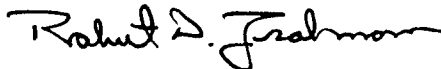
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

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.



for W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

2632-00

IN REPLY REFER TO:  
1600  
MMAA-4  
05 May 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR FIRST LIEUTENANT [REDACTED]  
[REDACTED] SMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
First Lieutenant [REDACTED]  
[REDACTED] USMC of 01 May 00

1. Recommend approval of First Lieutenant [REDACTED] request for removal of his failure of selection and backdating his date of rank.

2. Per the reference, we reviewed First Lieutenant [REDACTED] record and petition. He failed selection on the FY00 Captain Selection Board. Subsequently, Records Branch (MMSB-31) corrected his body fat (14%) on the Transfer Report from 970823 to 980610. First Lieutenant [REDACTED] was selected by the FY01 Captain Selection Board. He requests removal of his failure of selection and backdating his date of rank.

3. In our opinion, First Lieutenant [REDACTED] should be afforded the benefit of the doubt and have his failure of selection removed and his date of rank backdated. ||

4. POC is Lieutenant [REDACTED] at [REDACTED]  
[REDACTED]  
[REDACTED]

Lieutenant Colonel, U. S. Marine Corps  
Head, Officer Career Counseling and  
Evaluation Section  
Officer Assignment Branch  
Personnel Management Division



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

2632-00

IN REPLY REFER TO:  
1412/1  
MMPR  
20 May 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF FIRST LIEUTENANT [REDACTED]  
[REDACTED] MC

1. If First Lieutenant [REDACTED] request for backdating is approved, his date of rank and effective date will be 1 June 2000. This is the date of rank he would have received upon selection from the FY00 USMC Captain Selection Board.

2. Point of contact [REDACTED] 7.

[REDACTED]  
By direction