



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 3977-01
24 August 2001

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

Subj: MAJ [REDACTED], USMC [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 1 May 01 w/attachments
(2) Memo for record dtd 20 Aug 01
(3) HQMC MMOA-4 memo dtd 10 Jul 01
(4) HQMC MMPR memo dtd 16 Jul 01
(5) 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 to show the lineal position, date of rank, and effective date in the grade of major he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 2001 Major Selection Board, vice the FY 2002 Major Selection Board. He originally specifically requested that his major date of rank and effective date be changed to 1 June 2000, but the memorandum for the record at enclosure (2) reflects that he later amended this request to 1 July 2000.

2. The Board, consisting of Messrs. Goldsmith, Neuschafer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 22 August 2001, 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. Petitioner had a prior case (2495-00) before this Board. A copy of his decisional document is at Tab A to enclosure (1). After he had failed before the FY 2001 Major Selection Board, the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board directed that the reviewing officer comments be removed from one of his fitness

reports. His failure was later stricken by this Board. He appeared before the FY 2002 Major Selection Board and was selected for promotion. He was promoted to major with a date of rank and effective date of 1 March 2001.

c. In correspondence attached as enclosure (3), the HQMC Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. In correspondence attached as enclosure (4), the HQMC Promotion Branch (MMPR) has advised that had Petitioner been promoted pursuant to selection by the FY 2001 Major Selection Board, he would have been assigned a date of rank and effective date of 1 July 2000.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (3) and (4), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

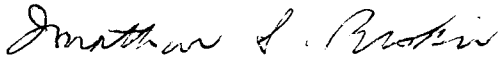
a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of major as 1 July 2000, vice 1 March 2001; and that his lineal precedence be adjusted accordingly.

b. 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.


c. 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.


W. DEAN PFEIFFER
Executive Director

MEMORANDUM FOR THE RECORD

DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: DSN 224-9842 OR COMM [REDACTED]
FAX: DSN 224-9857 OR COMM [REDACTED]

DATE: 20AUG01

DOCKET NO [REDACTED]

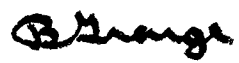
PETITIONER (PET): [REDACTED] SMC

PARTY CALLED: PET

TELEPHONE NUMBER: N/A

WHAT I SAID: I ASKED PET IF HE AGREED WITH THE DOR AND EFF DATE OF 1JUL00 VICE THE 1JUN00 HE REQUESTED.

WHAT PARTY SAID: PET INFORMED ME THAT HE AGREED WITH THE 1JUL00 DATE.



BRIAN J. GEORGE



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

IN REPLY REFER TO:
1600
MMA-4
10 Jul 01

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

Subj: BCNR PETITION FOR MAJOR [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case
of Major [REDACTED]
[REDACTED] USMC of 06 Jul 2001

1. Recommend approval of [REDACTED] request for backdating his date of rank.
2. Per reference (a), we reviewed [REDACTED] record and petition. [REDACTED] failed selection on the FY01 USMC Major Selection Board. He successfully petitioned the Board for Correction of Navy Records to have the Change of Reporting Senior fitness report of 980505-980731 removed from his record. [REDACTED] was subsequently selected for promotion from the In-Zone on the FY02 Major Selection board.
3. As evidenced by his selection to Major on the FY02 selection board, the adverse material did, in fact, impact his selection to Major on the previous board. Therefore, we recommend approval of [REDACTED] request for backdating his date of rank.
4. Point of Contact is [REDACTED] at [REDACTED]

Major, U.S. Marine Corps
Officer 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

IN REPLY REFER TO:
1412/2
MMPR
JUL 16 2001

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

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Route Sheet of 6 Jul 01

1. Reference (a) requested an advisory opinion in the case of [REDACTED]. [REDACTED] is requesting a back date of rank and effective date of promotion to major.

2. The following facts are germane:

a. [REDACTED] was eligible, as an in zone officer, and failed of selection on the FY01 USMC Major Promotion Selection Board, which convened on 991026.

b. The Board for Correction of Naval Records (BCNR) removed the FY01 failure of selection on 000413.

c. [REDACTED] was subsequently considered and selected, as an in zone officer, on the FY02 USMC Major Promotion Selection Board, which convened on 001030. He was promoted to major on 010301.

3. [REDACTED] request is approved, his date of rank would be 000701. This is the date of rank he would have had, if he had been selected by the FY01 board.

4. The point of contact in this matter is Chief Warrant Officer [REDACTED]

[REDACTED]

Colonel, U.S. Marine Corps
Head, Promotion Branch