



**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the requested relief.

The Board agrees with the advisory opinion in finding that Petitioner's failures of selection to captain should be removed. As her discharge was based on the failures of selection, the Board finds that removing the failures of selection requires setting aside her discharge as well. The Board finds an explanatory memorandum will alleviate the harm to her from her long break in service.

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

**RECOMMENDATION:**

a. That Petitioner's naval record be corrected by removing her failures of selection by the FY 1997 and 1998 Reserve Captain Selection Boards.

b. That Petitioner's record be corrected further to show that she was not discharged from the Marine Corps Reserve on 1 April 1998, but served continuously after that date; and that she be reinstated to the Marine Corps Reserve accordingly, in the same grade and status in the IRR she held when she was discharged.

c. That there be inserted in Petitioner's naval record, at an appropriate location, a memorandum containing relevant identifying data and including the following language:


Subject officer was discharged from the Marine Corps Reserve effective 1 April 1998. Subsequently, this discharge was voided by order of the Secretary of the Navy. Since subject officer was discharged by reason of error and through no fault of her own, and since this discharge has now been voided, it is directed that she not be penalized in any way by reason of her inability to serve while the discharge was in effect.

d. 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.

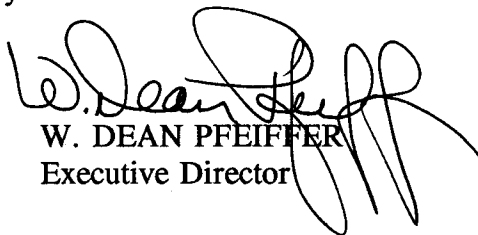
e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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



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

IN REPLY REFER TO:  
1070  
CMT  
20 Aug 2003

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

Subj: RESERVE AFFAIRS ADVISORY OPINION ON BCNR APPLICATION;  
CASE OF FIRST LIEUTENANT [REDACTED]

Ref: (a) First Lieutenant [REDACTED] DD Form 149 dtd 10 Apr  
2003

1. This office has reviewed reference (a) and recommends approval of First Lieutenant [REDACTED] request for removal of the two failures of selection to Captain from her service record. The below justification is provided.

2. As stated in reference (a) First Lieutenant [REDACTED] was never aware of the fact that she had been passed over for Captain nor the requirement of submitting a promotion package. During two previous attempts in re-affiliation with the Reserves neither of these facts were brought forth.

3. The reason First Lieutenant [REDACTED] only has one fitness report in grade was due to her having to request an early separation to pursue an undiagnosed medical problem. This condition was later determined to be endometriosis which is now benign. This medical situation should not be held against the Marine.

4. Should the BCNR remove the two failures of selection, she intends to request reappointment in the Marine Reserves.

5. Point of contact [REDACTED]

Director  
Reserve Affairs Division

DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)  
PERFORMANCE SECTION  
2 NAVY ANNEX, SUITE 2432  
WASHINGTON, DC 20370-5100  
TELEPHONE: (703) 614-2293 OR DSN 224-2293  
FACSIMILE: (703) 614-9857 OR DSN 224-9857

MEMORANDUM FOR THE RECORD

DATE: 3SEP03

DOCKET NO. [REDACTED]

PETITIONER (PET [REDACTED]), USMCR

PARTY I CALLED: PET

WHAT I SAID: I ASKED PET TO CLARIFY HER REQUEST.

WHAT PARTY SAID: PET STATED THAT SHE WANTED HER DISCHARGE OF 1APR98 SET ASIDE, REINSTATEMENT IN THE USMCR RETROACTIVELY, AND A MEMO FILED EXPLAINING HER BREAK IN SERVICE.

*B. George*  
BRIAN J. GEORGE