



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

BJG
Docket No: 4943-03
8 September 2003

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

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

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

Encl: (1) DD Form 149 dtd 6 Jun 03 w/attachments
(2) BCNR rept to SECNAV, docket no 3529-02,
dtd 25 Apr 02 less encls
(3) HQMC MMOA-4 memo dtd 12 Aug 03
(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 to show the lineal position, date of rank, and effective date in the grade of lieutenant colonel he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 2003 Lieutenant Colonel Selection Board, vice the FY 2004 Lieutenant Colonel Selection Board.
2. The Board, consisting of Mses. Gilbert and Nofziger and Mr. Grover, reviewed Petitioner's allegations of error and injustice on 5 September 2003, 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 Petitioner's prior case (copy of report of proceedings at enclosure (2)), this Board approved removing his failure of selection by the FY 2003 Lieutenant Colonel Selection Board. He was selected by the FY 2004 Lieutenant Colonel Selection Board, and he was promoted with a 1 June 2003 date of rank and effective date.

c. In correspondence attached as enclosure (3), the Headquarters Marine Corps 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. This advisory opinion specifically recommended adjusting his date of rank and effective date to 1 November 2002. They determined that this is the date of rank and effective date he would have received, had he been promoted pursuant to selection by the FY 2003 Lieutenant Colonel Selection Board.

CONCLUSION:

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

RECOMMENDATION:

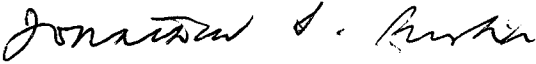
a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant colonel as 1 November 2002 vice 1 June 2003; and that his lineal precedence be adjusted accordingly.

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.

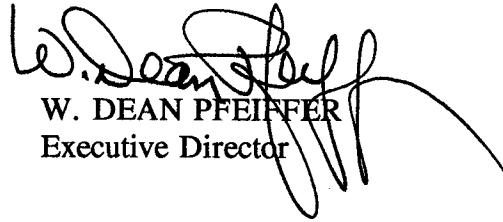
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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



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

494303

IN REPLY REFER TO:
1600
MMA-4
12 Aug 03

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

Subj: ~~BCNR~~ PETITION FOR LIEUTENANT COLONEL ~~XXXXXXXXXX~~
~~XXXXXXXXXX~~ C

Ref: (a) BCNR Request for Advisory Opinion in the case of
Lieutenant Colonel P ~~XXXXXXXXXX~~ MC
of 7 Aug 03.

1. Recommend approval of Lieutenant Colonel ~~XXXXXXXXXX~~ request for
backdating.

2. Per the reference, we reviewed Lieutenant Colonel ~~XXXXXXXXXX~~
record and petition. Lieutenant Colonel ~~XXXXXXXXXX~~ failed selection
on the FY03 USMC Lieutenant Colonel Selection Board. He *Marine Corps Records*
successfully petitioned the ~~Performance Evaluation Review Board~~ *Branch (B)*
(PERB) to correct a material error in his record. Lieutenant
Colonel ~~XXXXXXXXXX~~ subsequently selected for promotion from the
In-Zone on the FY04 USMC Lieutenant Colonel Selection Board.
Lieutenant Colonel ~~XXXXXXXXXX~~ requests back-dating of his date of rank
and backpay in keeping with selection on the FY03 Board.

3. In our opinion, the material error created a serious
competitive concern that may have resulted in the failure of
selection. Correcting the error increased the competitiveness
of his record. Since the material error likely resulted in
Lieutenant Colonel ~~XXXXXXXXXX~~ failure of selection, and following
the correction he was selected for promotion to Lieutenant
Colonel, we recommend approval of his request for back-dating of
his date of rank to 1 November 2002. This date was verified by
~~XXXXXXXXXX~~

4. P ~~XXXXXXXXXX~~ S. Poletto at ~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

Lieutenant Colonel, USMC
Head, Officer Counseling and
Evaluation Section
Personnel Management Division

(MMA-4)