



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

JSR
Docket No. 12675-10
27 January 2011

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 8 Nov 10 w/enclosures
(2) HQMC MMOA-4 memo dtd 1 Jan 11
(3) 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 Petitioner would have been assigned had she been selected for promotion to that grade by the Fiscal Year (FY) 2010 Lieutenant Colonel Selection Board, rather than the FY 2011 Lieutenant Colonel Selection Board.

2. The Board, consisting of Messrs. Exnicios, Whalen and Zsalman, reviewed Petitioner's allegations of error and injustice on 27 January 2011, 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 previous case, docket number 7111-09 (copy of Report of Proceedings at enclosure (1)), the Assistant General Counsel (Manpower and Reserve Affairs) approved this Board's recommendation to remove her failure of selection by the FY 2010 Lieutenant Colonel Selection Board. Subsequently, she was selected by the FY 2011 Lieutenant Colonel Selection Board and promoted with a date of rank and effective date of 1 November 2010.

c. In correspondence attached as enclosure (2), 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, specifically, adjusting her lieutenant colonel date of rank and effective date to 1 August 2009.

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 following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show her date of rank and effective date in the grade of lieutenant colonel as 1 August 2009, rather than 1 November 2010; and that her 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.



~~for~~ W. DEAN PFEIFFER
Executive Director