



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 9692-16
AUG 10 2017

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

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED] XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record (excerpts)
(3) HQMC memo 1610 MMRP-50 of 26 Oct 16

1. Pursuant to the provisions of reference (a) Petitioner, a commissioned officer in the Marine Corps, filed enclosure (1) with this Board requesting, in effect, that the failure of selection (FOS) from the Fiscal Year (FY) 2017 Major Selection Board be removed from his record. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 May 2017 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. Enclosure (1) was filed in a timely manner.

c. Enclosure (3), an advisory opinion from Headquarters Marine Corps (MMRP-50) states, in part, that Petitioner's fitness report ending 20140803 was less than 90 days, therefore, the Performance Evaluation Review Board (PERB) voted to remove the fitness report. As a result of the change, Petitioner requested that his FOS by the FY17 be removed from his OMPF, and he should be given the full brief afforded an In-Zone officer.

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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.

Additionally, because the Petitioner was selected and promoted to Major on the FY18 Major Selection Board, the Board for Correction of Naval Records recommends that Petitioner request for a grade adjustment via a DD Form 149.

RECOMMENDATION:

Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's naval record be corrected by removing his FOS by the FY17 Major Selection Board from his OMPF.

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.

4. 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.


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.


Executive Director