



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

[REDACTED]
Docket No: 426-17
JUL 25 2017

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

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

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

Encl: (1) DD Form 149

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer in the Marine Corps, filed enclosure (1) with this Board requesting that his record be corrected by adjusting his date of rank (DOR) in the grade of major to the date he would have received if selected by the FY18 USMC Major Promotion Selection Board.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 26 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. On 25 August 2015, the FY17 USMC Major Promotion Selection Board convened. Petitioner was considered and failed selection. Subsequently, he successfully petitioned the Headquarters, Marine Corps Performance Evaluation Review Board (PERB) to have a fitness report (FITREP) that was available for consideration by the FY17 Promotion Board, removed from his record. He also successfully petitioned the BCNR to have the FY17 Promotion Board failure of selection (FOS) removed from his record.

d. On 16 August 2016, the FY18 USMC Major Promotion Selection Board convened. Petitioner was considered and selected for promotion, and promoted to major with a 1 May 2017 DOR and effective date. Petitioner contended in his application that had his record been correct when the FY17 Promotion Board convened, he would not have failed selection for promotion.

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

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief. In this regard, the Board noted that Petitioner's record was corrected by the PERB and the BCNR, but only after he incurred an in-zone failure of selection (FOS). Further, after the FITREP and FOS was removed from his record, he was selected for promotion. The Board concluded that the FITREP that was removed by the PERB may have made Petitioner appear less competitive than his peers, leading to his FOS by the FY17 USMC Major Promotion Selection Board.

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

RECOMMENDATION:

Petitioner's naval record be corrected, where appropriate, to show his DOR and effective date in the grade of major as the date he would have received had he been selected by the FY17 USMC Major Promotion Selection Board.

The Defense Finance and Accounting Service (DFAS) complete an audit of Petitioner's records and make payment of any money that Petitioner may be entitled to.

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.

[REDACTED]

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 Regulation, 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.

[REDACTED]

Executive Director