



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

██████████
Docket No. 3960-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████ XXX XX ██████████ USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments x 2
(2) HQMC ltr 1610 MMPB-21D/PERB, 18 Mar 24
(3) HQMC Advisory Opinion 1610 MMPB-23, 14 Feb 24
(4) HQMC memorandum 1610 MMPB-24, 3 Apr 24

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removing his failure of selections (FOS) to Colonel (Col/O-6).
2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 23 April 2024 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, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.
3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:
 - a. Petitioner failed selection during the Fiscal Year (FY) 2023/2024/2025 Marine Corps Col Promotion Selection Boards (PSB).
 - b. On 2 December 2023, Petitioner submitted petitions to the Marine Corps Performance Evaluation Review Board (PERB) requesting to modify or remove fitness reports for the reporting periods 2 November 2010 to 15 July 2011 and 19 October 2019 to 7 March 2020. Enclosure (1).
 - c. On 18 March 2024, the PERB approved corrections to Petitioner's record by changing/removing Section K—Reviewing Officer's assessment—for the 2 November 2010 to 15 July 2011 fitness report to insufficient observation. The PERB also changed Petitioner's Professional Military Education attribute mark for the 19 October 2019 to 7 March 2020 fitness report from "B" to "C". Enclosures (2) and (3).
 - d. In his petitions to the PERB, Petitioner requested removal of all FOSs for promotion to the next grade from his record if the PERB decides in his favor and his request is approved. Enclosure (1).

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[REDACTED] XXX XX [REDACTED] USMC

e. In the advisory opinion, attached as enclosure (4), commented to the effect that the request has merit and warrants favorable action. The AO explained that the presence of significant positive correction in a Marine's record is the most important factor in the formulation of his opinion in any consideration of a FOS removal request. The PERB directed substantial changes to Petitioner's record by correcting a current grade (lieutenant colonel) fitness report and a grade of major fitness report. The AO determined that the summation of these changes is significant and would have improved the perception of competitiveness had the record been correct at the time of the FY 2023/2024/2025 Col PSB convening dates. The AO noted that the duration of above zone record brief preparation and record briefing in PSBs is substantially less than in zone record brief preparation and briefing duration. The AO also determined that Petitioner should be afforded the opportunity to have his corrected record considered in a future Col PSB without the stigma of being previously considered and not selected.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action. In this regard, the Board noted the PERB's correction to Petitioner's fitness reports ending on 15 July 2011 and 7 March 2020. The Board substantially concurred with the AO that the summation of the changes is significant and would have improved the perception of his competitiveness. The Board determined that Petitioner should be afforded the opportunity to have his corrected record considered in-zone during a future PSB. The Board concluded that Petitioner's FOSs shall be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing his FOSs incurred during FY 2023/2024/2025 Marine Corps Col PSBs.

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.

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.

4/25/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]