



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

██████████
Docket No. 4787-24
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
(2) HQMC ltr 1610 MMPB-21D/PERB, 8 Mar 24
(3) HQMC Advisory Opinion 1610 MMPB-23, 8 Feb 24
(4) HQMC memorandum 1610 MMPB-24, 26 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 selection (FOS) to Lieutenant Colonel (LtCol/O-5).
2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 2 May 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 the following:
 - a. Petitioner failed selection during the Fiscal Year (FY) 2025 Marine Corps LtCol Promotion Section Board (PSB).
 - b. On 14 January 2024, Petitioner submitted a petition to the Marine Corps Performance Evaluation Review Board (PERB) requesting to modify the fitness report for the reporting period 10 August 2008 to 26 September 2008. Enclosure (1).
 - c. On 8 March 2024, the PERB approved corrections to Petitioner's record by changing the report type to "Academic" and rendered the fitness report not observed. Enclosures (2) and (3).
 - d. In his petition to the PERB, Petitioner requested removal of his FOS 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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e. In the advisory opinion (AO), attached as enclosure (4), commented to the effect that the request has merit and warrants favorable action. The AO explained that the presence of a 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 positive changes to Petitioner's record by correcting an erroneous fitness report. The AO determined the corrected fitness report would have improved the perception of Petitioner's competitiveness had the record been correct at the time of the FY 2025 LtCol PSB convening date. The AO noted that the duration of above zone records 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 LtCol 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 report ending 26 September 2008. The Board substantially concurred with the AO that the change would have improved the perception of Petitioner's 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 FOS 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 failure of selection incurred during the FY 2025 USMC Lieutenant Colonel Promotion Selection Board.

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.

5/2/2024

[REDACTED]

Deputy Director

Signed by: [REDACTED]