



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

█  
Docket No. 7292-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
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Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures  
(2) CMC memo 1610 MMPB-21D/PERB of 13 May 2024  
(3) HQMC memo 1610 MMPB-24 of 2 Jul 2024

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 removal of failures of selection for promotion to Lieutenant Colonel. The Board noted that Petitioner had also requested modifications to a Fitness Report, but because the requested correction had already been made by Headquarters Marine Corps, as described below, the Board only considered his request to remove his failures of selection to Lieutenant Colonel.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 19 September 2024 and, pursuant to its regulations, determined 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued an annual Fitness Report for the reporting period 1 December 2022 to 31 May 2023. Per enclosure (2), the Performance Evaluation Review Board (PERB) directed modifications to the Fitness Report which resulted in the modification of Section E.3. (Initiative) in block "E" vice block "D" as well as modification to Section K.3, Reviewing Officer Comparative Assessment in block 5 (One of the Many Highly Qualified) vice block 4 (Professionals Who Form The).

c. Petitioner failed selection by the Fiscal Year (FY) 2025 and FY 2026 Lieutenant Colonel Promotion Selection Boards (PSBs). According to enclosure (3), the advisory opinion (AO) furnished by Headquarters Marine Corps (MMPB-24), the changes directed by enclosures (2) would have improved the perception of competitiveness had the record been correct at the time

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XXX XX [REDACTED] USMC

of the FY 2025 Lieutenant Colonel PSB convening date. Additionally, Petitioner's record was in an above-zone status during the FY 2026 PSB that convened 7 May 2024. Preparation and record briefing for above-zone records is substantially less than in-zone records. Therefore, the AO recommended removal of the FY 2025 and FY 2026 failures of selection to afford Petitioner the opportunity to have his record considered in a future Lieutenant Colonel PSB without the stigma of being previously considered not selected.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting corrective action. In this regard, the Board, noting the significant modification of the contested fitness report, substantially concurred with the AO at enclosure (3) and determined the FY 2025 and FY 2026 Lieutenant Colonel PSBs were not presented with accurate representations of Petitioner's performance. The Board concluded Petitioner's FY 2025 and FY 2026 failures of selection should be removed.

#### RECOMMENDATION

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

Petitioner's naval record be corrected by removing his failures of selection incurred during the FY 2025 and FY 2026 Lieutenant Colonel 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 titled 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 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.

9/26/2024

[REDACTED]  
Executive Director

Signed by [REDACTED]