



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

██████████
Docket No. 776-25
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) 10 U.S.C. § 1552
(b) MCO 1610.7B

Encl: (1) DD Form 149 w/enclosures
(2) Fitness report for the reporting period 6 Nov 19 to 31 May 20
(3) [Petitioner] promotion history
(4) HQMC Memo 1610 MMPB-23, subj: Performance Evaluation Review Board
Advisory Opinion ICO [Petitioner], 26 Nov 24
(5) ██████████ USMC (Ret) Memo, subj: Verification of ██████████ Relief as Officer In
Charge Marine Corps Training Mission – ██████████, 2 Oct 24

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to modify enclosure (2) by changing Section K, the Reviewing Officer's (RO) observation, to insufficient. If approved, Petitioner request to remove all failures of selection (FOS).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 11 March 2025, 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. 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 received an annual fitness report for the reporting period 6 November 2019 to 31 May 2020. The RO evaluated Petitioner in block '5' of the comparative assessment. Enclosure (2).

b. On 7 May 2024, the Fiscal Year 2026 Marine Corps Lieutenant Colonel (LtCol/O-5) Active Duty Promotion Selection Board (PSB) convened. Petitioner was eligible as an in-zone officer and not selected for promotion. Enclosures (3).

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c. In October 2024, Petitioner petitioned the Marine Corps Performance Evaluation Review Board to modify enclosure (2). In his application, Petitioner contends the RO could not have provided a fair and informed assessment as compared against his peers due to insufficient observation. Petitioner claims his former RO was relieved as the Officer-In-Charge (OIC) in March 2020 and the fitness report's RO did not arrive at his unit until after the end of the reporting period. Petitioner also claims the new RO was serving as the Chief of Staff. They had no interactions, nor was there any visibility of his actions. Additionally, Petitioner provided evidence that he was on temporary additional duty (TAD) to [REDACTED] and on leave from 16 January 2020 to 24 February 2020. Enclosure (1).

d. The Headquarters Marine Corps Performance Evaluation Section (PES) provided an AO at enclosure (4) recommending relief. The AO noted enclosure (5), correspondence from a retired Colonel who served as the Chief of Staff for Petitioner's command during the report period. The Colonel's statement confirms that Petitioner's previous RO was relieved in March 2020, and the RO for this report did not assume the duties of OIC for the [REDACTED] until July 2020. The AO also noted additional evidence that further substantiates Petitioner's claims, showing that the RO did not join Petitioner's unit until 21 July 2020—only five days before Petitioner's transfer. The AO determined that the RO was not part of the unit until 51 days after the reporting period ended and could not have observed Petitioner's performance. Therefore, the RO evaluation should reflect as Insufficient. Furthermore, Petitioner has provided documentation indicating he was TAD from 16 January to 16 February 2020, followed by annual leave from 17 February to 24 February 2020 totaling 40 consecutive days during the reporting period. In accordance with reference (b), any period of 30 or more consecutive days when the Marine or RO is unavailable to perform duties at the reporting command does not count toward the minimum observation time required for an observed report. The AO also determined that this 40-day period of non-availability should be noted in the Section I comments and recommended the addition of the Section I Directed Comment for the period of non-availability and changing Section K to insufficient.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial relief.

The Board substantially concurred with the PES's AO. In this regard, the Board determined that Petitioner provided sufficient evidence that the RO was not assigned to Petitioner's unit until well after the end of the fitness report's reporting period. The Board also determined that because the RO was not in Petitioner's reporting chain at any time during the reporting period, he should not have provided an assessment and should have marked Section K 'Insufficient.' The Board also noted Petitioner's periods of non-availability and concurred that a Directed Comment in Section I is required according to reference (b).

Concerning Petitioner's request to remove his FOS, the Board determined that the correction to Petitioner's record was not substantive enough to have changed the PSB's perception of Petitioner's competitiveness for promotion.

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RECOMMENDATION

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

Petitioner's naval record be corrected by modifying enclosure (2) as follows:

- (1) Insert the Section I comment: 20200116 to 20200224 MRO was TAD to [REDACTED] and on leave.
- (2) Mark Section K.1, 'Insufficient.'
- (3) Remove the Section K.2 marking from the 'Concur' block.
- (4) Remove the Section K.3 Comparative Assessment marking.
- (5) Remove Section K.4 RO comments.
- (6) Insert the Section K.4 comment: This report is not observed due to insufficient observation time.

That no further changes be made to Petitioner's naval record.

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 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.

3/26/2025

[REDACTED]
Deputy Director

Signed by: [REDACTED]