



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

██████████
Docket No. 3717-25
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) MCO 1400.32D (Enlisted Promotion Manual)

Encl: (1) DD Form 149 w/enclosures
(2) DD Form 149, 10 Oct 24
(3) MMPB-23 ltr 1610 MMPB-23, subj: PERB AO ICO Petitioner, 5 Jan 25
(4) CMC ltr 1070 MMPB-21D/PERB, subj: Correction of Naval Record, 17 Jan 25
(5) HQMC ltr 1070 MMPB-21/MOD, 17 Jan 25
(6) Petitioner ltr, subj: Consideration for Remedial Promotion, 1 Feb 25
(7) CMC ltr 1420/2 MMPB-1, subj: Request for Remedial Promotion Consideration,
Undated
(8) Petitioner Promotion History

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 that his naval record be corrected by granting him consideration for remedial promotion to Staff Sergeant (SSgt) for Fiscal Year (FY) 2020 through 2024.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 22 December 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. On 10 October 2024, Petitioner submitted enclosure (2) to the Marine Corps Performance Evaluation Review Board (PERB) requesting removal of his fitness report for the reporting period 16 August 2017 to 31 March 2018 due to his erroneous assignment to the Body Composition Program (BCP) and hypothyroidism medical diagnosis. Petitioner claimed that the medical officer waived his BCP participation and he met Marine Corps weight standards before formal assignment to BCP. Enclosure (2).

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b. In a memorandum dated 5 January 2025, the Manpower Management Performance Branch (MMPB-23) provided an advisory opinion (AO) to the PERB recommending they approve Petitioner's request. The AO determined that Petitioner demonstrated through years of medical documentation that he was diagnosed with hypothyroidism; a disease in which the thyroid gland does not produce enough thyroid hormone which results in unexplained weight gain when left unmedicated. Unfortunately, on 15 March 2017, prior to the issuance of the contested fitness report, lab results confirmed abnormalities and a referral to an endocrinologist was initiated. Although an official diagnosis of hypothyroidism was delivered, the Certified Nurse Practitioner elected not to pursue the medical waiver until further diagnostics could be performed by the endocrinologist. Eventually, a medical exemption was delivered, and MRO was prescribed medication to assist in managing the disease (and associated weight gain, proven through subsequent years of in-standard weigh-ins). As such, the AO determined that the adverse fitness report was delivered appropriately at the time, because no exemption existed. However, upon learning of the underlying medical condition and issuing the waiver, the associated adversity was, in hindsight, inappropriate and should be considered invalid. Enclosure (3).

c. On 17 January 2025, the PERB directed removal of Petitioner's contested fitness report and the inclusion of enclosure (5). Enclosure (4).

d. On 1 February 2025, Petitioner submitted correspondence to MMPB-2 requesting remedial promotion to SSgt during the FY 2020 through 2024 promotion selection boards in accordance with reference (b). Petitioner claims his competitiveness was impacted by an adverse fitness report resulting from unjust processing into the BCP. Enclosure (6).

e. In an undated memorandum from MMPB, Petitioner's request was denied. MMPB determined that Petitioner's request to correct his record occurred more than three years after the results of the FY 2020 and 2021 SSgt PSBs were published and after the convening of the FY 2024 SSgt PSB that convened on 16 April 2024. MMPB explained that all applications for remedial promotion consideration must be received no later than three years after the results of the board, and due diligence requires the Marine to identify the errors, discrepancies, or injustice in their record and initiate appropriate corrective action prior to the convening date of the board(s) being contested. Enclosure (7).

f. On 1 July 2025, Petitioner was promoted to the rank of SSgt after selection by the FY 2025 SSgt PSB. Enclosure (8).

g. Petitioner contends, in February 2018, he was erroneously processed into the BCP despite his known precluding medical condition and, as a result, received an adverse fitness report that affected his competitiveness. He further contends that, due to the stigma surrounding BCP assignments, his follow-on commands did not scrutinize the circumstances of his case, despite his medical documentation, which allowed the error to remain unchallenged for years. The error has since been rectified, with removal of the adverse fitness report on 17 January 2025. This error delayed his competitiveness during FY 2020 through FY 2024 SSgt PSBs. Enclosure (1).

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CONCLUSION

Upon review and consideration of all the evidence of record, the Board found the existence of an injustice in Petitioner's record warranting partial relief. Specifically, the Board determined Petitioner's request for consideration for remedial promotion merits relief, in the interests of justice.

The Board carefully considered the AO provided by MMPB-23 and found that the AO's justification to remove the contested fitness reports supports Petitioner's claims of a medical diagnosis that would have precluded his assignment to BCP. The Board also noted in his application to the PERB, he provided years of medical documentation as evidence that he was diagnosed with hypothyroidism. The Board also considered the PERB's decision to remove Petitioner's fitness report, noted that the adverse fitness report was present during the FY 2021 through FY 2024 PSBs, and opined that the presence of the adverse fitness report would have affected the PSBs perception of Petitioner's competitiveness. Despite the lack of evidence that Petitioner exercised due diligence in the correction of his record, the Board determined that the presence of the fitness report was an injustice, therefore, Petitioner should be considered for remedial promotion. Upon review of enclosure (8), the Board noted that Petitioner was below-zone during the FY 2020 SSgt PSB, therefore, according to reference (b), he is not eligible for remedial consideration.

RECOMMENDATION

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

An Enlisted Remedial Selection Board be convened to consider Petitioner for promotion to SSgt during the FY 2021 through FY 2024 PSBs.

No other changes 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.

1/12/2026

