



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 3605-99  
6 August 1999

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

Subj: MAJ [REDACTED], USMC [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 22 May 99 w/attachments  
(2) HQMC MMOA-4 memo dtd 19 Jul 99  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing his failure of selection before the Fiscal Year (FY) 2000 Lieutenant Colonel Selection Board, so as to be considered by the selection board next convened to consider officers of his category for promotion to the grade of lieutenant colonel as an officer who has not failed of selection to that grade.

2. The Board, consisting of Ms. Davies and Messrs. McCulloch and Molzahn, reviewed Petitioner's allegations of error and injustice on 5 August 1999, 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, 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, finds as follows:

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

b. In correspondence attached as enclosure (2), the HQMC office having cognizance over the subject matter of Petitioner's request to strike his failure of selection for promotion has commented to the effect that this request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's record be corrected so that he will be considered by the earliest possible selection board convened to consider officers of his category for promotion to lieutenant colonel as an officer who has not failed of selection for promotion to that grade.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

ROBERT D. ZSALMAN  
Recorder

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
Acting Recorder

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.

*W. Dean Pfeiffer*  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
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QUANTICO, VIRGINIA 22134-5103

2005-99

IN REPLY REFER TO:

1600  
MMA-4  
19 Jul 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

Ref: (a) MMR Request for Advisory Opinion in the case of  
Major [REDACTED] USMC  
of 31 Mar 99

1. Recommend approval of Major [REDACTED] request for removal of his failure of selection. This opinion gives [REDACTED] the benefit of the doubt.

2. Per the reference, we reviewed [REDACTED]'s record and petition. He failed selection on the FY00 USMC Lieutenant Colonel Selection Board. [REDACTED] believes he failed selected due to the illegibility of his record and the failure of the Board to receive his promotion photograph. He requests the removal of his failure of selection.

3. In our opinion, the poor image quality of some of the fitness reports in the record presented *little* jeopardy to the competitiveness of the record. However, the lack of a promotion photograph may have presented *serious* jeopardy to the record.

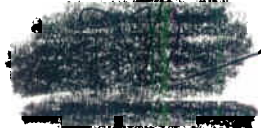
a. **Legibility of the Official Military Personnel File.** Since [REDACTED] did not identify specific reports he felt prevented a complete and accurate evaluation of his record we reviewed each report. While some of the reports were hard to read they were not unreadable. Furthermore, the fitness report for the period 881101 to 890505 was provided to the Board by the Manpower Management Support Branch (MMSB). Therefore, the Board had the capability to request any questionable fitness reports from MMSB to ensure the record received a fair and complete evaluation.

b. **Promotion photograph.** The absence of his promotion photograph before the Board may have reflected negatively on Major [REDACTED] attention to detail and ability to follow orders and more than likely led to his failure of selection. We believe the statements provided by Chief Warrant Officer 3 Marques and Gunnery Sergeant [REDACTED] provide sufficient evidence that the photograph was mailed to Headquarters Marine Corps.

Subj: BCNR PETITION FOR MAJOR [REDACTED] USMC

4. In summary, Major [REDACTED] record appears competitive, lacking areas of obvious significant competitive concern. We believe the absence of his photograph before the Board presented serious competitive concern to the record and more than likely led to his failure of selection. Therefore, we recommend approval of Major [REDACTED] request for removal of his failure of selection. This opinion gives him the benefit of the doubt.

5. The POC for this office is Lieutenant Colonel [REDACTED] at Commercial (703) [REDACTED] 76-9281.



Lieutenant Colonel, U. S. Marine Corps  
Head, Officer Counseling and  
Evaluation Section  
Officer Assignments Branch  
Personnel Management Division