



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

BJG  
Docket No: 8227-01  
16 November 2001

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

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

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

Encl: (1) DD Form 149 dtd 10 Jan 01 and  
Subject's e-mail dtd 31 Oct 01  
(2) BCNR rept in Subject's prior case, docket no 5634-96  
(3) HQMC MMOA-4 memo dtd 7 Nov 01  
(4) Memo for record dtd 14 Nov 01  
(5) 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 to show the lineal position, date of rank, and effective date in the grade of lieutenant colonel he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 1997 Lieutenant Colonel Selection Board, vice the FY 1998 Lieutenant Colonel Selection Board.

2. The Board, consisting of Messrs. Leeman, Morgan, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 16 November 2001, 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. Petitioner had a prior case (5634-96) before this Board. A copy of his decisional document is at enclosure (2). After he had failed before the FY 1997 Lieutenant Colonel Selection Board, the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) directed that the reviewing officer's certification be removed from one of his fitness reports. His failure of selection was later stricken by this Board. He appeared before

the FY 1998 Lieutenant Colonel Selection Board with a corrected record and was selected for promotion. He was promoted with a date of rank and effective date of 1 June 1998.

c. In correspondence attached as enclosure (3), the HQMC Officer Assignment Branch, Personnel Management Division (MMOA-4), the office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action.

d. The memorandum for the record at enclosure (4) reflects that the HQMC Promotion Branch (MMPR) has commented to the effect that had Petitioner been promoted pursuant to selection by the FY 1998 Lieutenant Colonel Selection Board, he would have been assigned a date of rank and effective date of 1 February 1997.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (3) and (4), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant colonel as 1 February 1997, vice 1 June 1998; and that his lineal precedence be adjusted accordingly.

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  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

8227-01  
IN REPLY REFER TO:  
1600  
MMOA-4  
7 Nov 01

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

Subj: BCNR PETITION FOR LIETENANT COLONEL [REDACTED]

[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case  
of Lieutenant Colonel [REDACTED]

[REDACTED] USMC of 05 Nov 2001

1. Recommend approval of Lieutenant Colonel [REDACTED] request  
for backdating his date of rank.

2. Per reference (a), we reviewed Lieutenant Colonel [REDACTED]  
record and petition. Lieutenant Colonel [REDACTED] failed  
selection on the FY97 USMC Lieutenant Colonel Selection Board.  
He successfully petitioned the Board for Correction of Navy  
Records to have the Reviewing Officer comments on the Change  
of Reporting Senior fitness report of 941001-950525 removed  
from his record. Lieutenant Colonel [REDACTED] was subsequently  
selected for promotion from the In-Zone on the FY98 Lieutenant  
Colonel Selection board.

3. As evidenced by his selection to Lieutenant Colonel on the  
FY98 selection board, the adverse material did, in fact,  
impact his selection to Lieutenant Colonel on the previous  
board. Therefore, we recommend approval of Lieutenant Colonel  
[REDACTED] request for backdating his date of rank.

4. Point of Contact is [REDACTED] at [REDACTED]

[REDACTED]  
Colonel, U. S. Marine Corps  
Head, Officer Assignment Branch  
Personnel Management Division

**MEMORANDUM FOR THE RECORD  
DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)  
2 NAVY ANNEX, SUITE 2432  
WASHINGTON, DC 20370-5100**

DATE: 14NOV01

DOCKET NO: [REDACTED]

PETITIONER (PET): LTCOL [REDACTED], USMC

PARTY CALLED: [REDACTED] PR-1

WHAT PARTY SAID: [REDACTED] INFORMED ME THAT PET'S CDOR IS 1JUN98, AND HAD HE BEEN SELECTED BY THE FY-97 USMC LTCOL SEL BD, HE WOULD HAVE BEEN ASSIGNED A DOR AND EFF DATE OF 1FEB97.

[REDACTED]  
[REDACTED]  
[REDACTED]  
PERF SEC