



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

JSR
Docket No. 06769-11
22 September 2011

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 22 Jun 11 w/attachments
(2) HQMC RCT memo dtd 1 Sep 11 w/enclosures
(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 to show he was placed on the Inactive Status List (ISL) on 17 July 2010, rather than 24 April 2011, and that his failure of selection by the Fiscal Year (FY) 2012 Reserve Major Selection Board be removed. He also failed of selection by the FY 2011 Reserve Major Selection Board. Because of the failures of selection for promotion, he is scheduled to be involuntarily discharged from the Marine Corps Reserve on 1 December 2011.

2. The Board, consisting of Messrs. Chapman, W. Hicks, and Swarens, reviewed Petitioner's allegations of error and injustice on 22 September 2011, 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 Headquarters Marine Corps office having cognizance over the subject matter of Petitioner's case has commented to the effect that the request has merit and warrants favorable action, specifically, removing his failure of selection by the FY 2012 Reserve Major Selection Board and correcting his record to show transfer to the ISL on 13 July 2010, the date his request for transfer was approved.

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 error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show he was transferred to the ISL on 13 July 2010, rather than 24 April 2011.

b. That his record be corrected further by removing his failure of selection by the FY 2012 Reserve Major Selection Board.

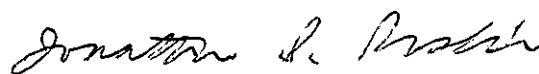
c. That any discharge or other action based in any way on Petitioner's failure of selection before the FY 2012 Reserve Major Selection Board be cancelled and, if necessary, that related documentation be removed from his record.

d. 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.

e. 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. 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
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