



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

HD  
Docket No. NR13102-14  
29 January 2015

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

Subj: [REDACTED] USMC, XXX-XX [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 4 Dec 14 w/attachments  
(2) Copy of Subject's fitrepr for 2 Jun to 2 Nov 07  
(3) MMRP-50 memo dtd 27 Jan 15

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 failures of selection before the Fiscal Year (FY) 2013 and 2015 Chief Warrant Officer 5 (CWO5) Selection Boards. Because of the failures of selection for promotion, he is scheduled to be involuntarily retired on 1 May 2015.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 January 2015, 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 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. Enclosure (2) is a copy of the adverse fitness report whose removal has been directed by the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board. This report was in Petitioner's Official Military Personnel File (OMPF) for the FY 2013

promotion board. For the FY 2015 promotion board, this report was not in the OMPF, but it was still on Petitioner's Master Brief Sheet; and he was in a failed of selection status.

c. In enclosure (3), the HQMC office with cognizance over the subject matter of Petitioner's case has commented to the effect that the request to remove the failures of selection for promotion has merit and warrants favorable action.

CONCLUSION:

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

RECOMMENDATION:

a. That Petitioner's naval 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 CW05 as an officer who has not failed of selection for promotion to that grade.

b. That any retirement or other action based in any way on Petitioner's failures of selection before the FY 2013 and 2015 CW05 Selection Boards be cancelled and, if necessary, that related documentation be removed from his record.

c. 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.

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.

  
JONATHAN S. RUSKIN  
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.

A handwritten signature in black ink, appearing to read 'R. J. O'Neill', written in a cursive style.

ROBERT J. O'NEILL  
Executive Director