DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
1402
MMPR-1
16 DEC 2007

MEMORANDUM FOR SECRETARY OF THE NAVY

Subj: PRECEPT CONVENING THE FY09 USMCR MAJOR UNRESTRICTED RESERVE SELECTION BOARD

Ref: (a) Title 10, U.S. Code, Section 14102
(b) SECNAVINST 1401.3A

1. Attached is the proposed precept to convene the FY09 USMCR Major Unrestricted Reserve Selection Board on 29 January 2008 to consider officers of the Marine Corps Unrestricted Reserve for promotion to the grade of major.

2. The Precept contains guidance in paragraph 4 of the Supplemental Guidance concerning officers serving in non-traditional billets, specifically Transition Team and Joint Individual Augment billets. I believe that this additional language is in keeping with the intent of the Deputy Secretary of Defense Memorandum of 3 August 2006.

3. The membership for this board is in compliance with guidelines established in the references.

James T. Conway
Commandant of the Marine Corps

Tab A - Precept Convening the FY09 USMCR Major Unrestricted Reserve Selection Board

REVIEW OF THE JUDGE ADVOCATE GENERAL

1. The proposed precept is legal and in proper form for your signature.

THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

JAN 17 2008

From: Secretary of the Navy
To: Brigadier General Tracy L. Garrett, USMCR (GND/SPT)

Subj: PRECEPT CONVENING THE FY09 USMCR MAJOR UNRESTRICTED RESERVE PROMOTION SELECTION BOARD

Encl: (1) FY09 USMCR Major Unrestricted Reserve Promotion Selection Board Supplemental Guidance

1. Members. A selection board is appointed, consisting of yourself as president and the following additional members, for the consideration of Unrestricted Reserve officers of the Marine Corps Reserve on the Reserve Active-Status List for promotion to the grade of major:

Colonel Joseph N. Pultro, USMCR (GND/SPT/LOG)
Colonel Eric S. Erdmann, USMCR (GND/SPT)
Colonel Michael P. Murtha, USMCR (AVN)
Lieutenant Colonel Kevin L. Fitzwater, USMCR (GND/SPT)
Lieutenant Colonel Gus C. Medina, USMCR (GND)
Lieutenant Colonel Christopher R. Zelez, USMCR (AVN)
Lieutenant Colonel Eric L. Abbott, USMCR (GND/SPT)
Lieutenant Colonel Todd S. Taylor, USMC (AVN)
Lieutenant Colonel Thomas C. Dames, USMCR (AVN)
Lieutenant Colonel Don A. Mills, Sr., USMC (GND/SPT)
Lieutenant Colonel Martin G. Korenek, USMCR (GND)
Lieutenant Colonel Michelle L. Rudy, USMCR (GND/SPT)
Lieutenant Colonel Charles E. Ellis, USMCR (GND)
Lieutenant Colonel Robert J. Burns, USMCR (AVN)
Lieutenant Colonel Ronald K. Dennard, USMC (GND/SPT)
Lieutenant Colonel Stanton L. Chambers, USMCR (GND)

2. Recorders. Major Daniel R. Kreider and Chief Warrant Officer W3 Michael E. Geary, U.S. Marine Corps Reserve, will jointly act as recorders. A recorder will be present during all board deliberations.

3. Administrative Personnel. The following administrative support personnel are hereby appointed:

Colonel Richard W. Yoder, USMC
Mr. William A. Hicks
Major William J. McWaters, USMC
Mr. Robert J. Sunday
Mrs. Constance P. Ray
Captain Michael A. Webb, USMCR
Mr. Michael D. Cheeseman
Mrs. Jane D. Ritchie
Mrs. Susan B. Reed

Mr. James H. Hobbs
Mrs. Nancy B. Turner
Mrs. Sarah DeBerry
Mrs. Marian A. Adens
Mr. Craig Losee
Chief Warrant Officer (W4) JoAnn Lovell, USMC
Staff Sergeant Sandra V. Aspiazu, USMC
Sergeant Blaine D. Raine, USMC
Lance Corporal Allison M. Hollingworth, USMC
Lance Corporal Michael A. Bledsoe, USMC
Lance Corporal Nabeel Ashfaq, USMC
Lance Corporal Mario S. Pachecoperez, USMC
Lance Corporal James C. Newman, Jr., USMC
Private First Class Ediesson Arnaudmateo, USMC
Private First Class Lawrence E. Blaushield, USMC
Private First Class Milton D. Cook, USMC
Private First Class Amanda-Mae O. Golding, USMC
Private First Class Josef E. Gonzales, USMC
Private First Class Derron D. Rose, USMC
Private First Class Timothy J. Webb, USMC
Private First Class Jessica N. Richardson, USMC
Private First Class Raymond W. Vensel, USMC
Private First Class Joel E. Phillp, USMC
Private First Class Crystal L. Sigler, USMC
Private First Class Lance A. Walker, USMC
Private First Class Jonathan M. Gott, USMC
Private First Class Nancy Guillaume, UMSC
Private First Class Tyrika D. Bradby, USMC
Private First Class James M. Amen, USMC
Private Virginia L. Cain, USMC

4. Date and Location. The board is ordered to convene at Headquarters, U.S. Marine Corps, Harry Lee Hall, Quantico, VA, on 29 January 2008, or as soon thereafter as practicable.

5. Guidance. The board will proceed in accordance with the following specific guidelines which are explained in detail in the enclosure.

a. Number of Selections Authorized. The board may select for promotion to the grade of major, a number of officers which most closely approximates 90 percent of those eligible in-zone officers. Of those officers selected, not more than 10 percent may be selected from below the promotion zone. The board is not required to select to the maximum number provided.

b. Selection Standard. The board shall carefully consider without prejudice or partiality the record of every eligible officer. The officers selected will be those officers whom a majority of the members of the board consider best qualified for

promotion. In addition to the standard of best qualified, the officers recommended for promotion by the board must be fully qualified; that is, each officer's qualifications and performance of duty must clearly demonstrate that the officer would be capable of performing the duties normally associated with the next higher grade. In determining those officers who are fully qualified for promotion, you are advised that, absent Secretary of the Navy waiver under section 12205(d)(2) of title 10, U.S. Code, no person may be appointed to a grade above first lieutenant in the Marine Corps Reserve unless that person has been awarded a baccalaureate degree by a qualifying educational institution. Officers appointed to the grade of captain before 1 October 1995 are excluded from this provision. The board may consider this requirement in determining those officers who are fully qualified for promotion. This standard applies to all eligible officers, including those above- and below-zone.

c. Career Patterns. The board's evaluation of officers whose careers may have been affected by assignment policies and practices made in the best interests of the Marine Corps must afford them fair and equitable consideration.

d. Equal Opportunity. The board's evaluation of all officers, regardless of race, religion, color, gender, or national origin, must afford them fair and equitable consideration.

e. Marital Status. The marital status of an eligible officer or the employment, education, or volunteer service of an eligible officer's spouse will not be considered.

6. Additional Guidance. In addition to an explanation of the guidance in paragraph 5 above, the enclosure contains additional guidance for the board to consider in determining qualifications and selection potential. Administrative instructions and the oath for the members, recorders, and administrative support personnel are also included.

7. Confidentiality of Board Proceedings. Unless expressly authorized or required by the President, Secretary of Defense, or myself, neither you nor any member of the board, recorder, or administrative staff may disclose the proceedings, deliberations, or recommendations of the promotion selection board. All board

members, recorders, and administrative staff must comply fully with these requirements, and I expect you to emphasize the need for strict confidentiality.

Donald C. Winter

FY09 USMCR MAJOR UNRESTRICTED RESERVE PROMOTION SELECTION BOARD
SUPPLEMENTAL GUIDANCE

1. The following oath or affirmation shall be administered to the recorders by the president of the board:

> "Do you solemnly swear (or affirm) that you will keep a true record of the proceedings of this board and, further, that you will not disclose the proceedings or recommendations thereof pertaining to the selection or nonselection of individual officers except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

The following oath or affirmation shall then be administered by the recorder to each member of the board:

> "Do you solemnly swear (or affirm) that you will perform your duties as a member of this board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the Naval Service and, further, that you will not disclose the proceedings or recommendations thereof pertaining to the selection or nonselection of individual officers except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

The following oath or affirmation shall then be administered to the administrative support personnel:

> "Do you solemnly swear (or affirm) that you will not disclose the proceedings or recommendations thereof pertaining to the selection or nonselection of individual officers except as authorized or required by the Secretary of the Navy or higher authority, so help you God?"

2. The Commandant of the Marine Corps shall furnish the board with the names and records of all officers who are eligible for consideration. The names of the officers eligible for consideration shall be determined as of the date the board convenes. The board, however, shall not consider any officer on the Reserve Active-Status List (RASL) who has an established date for removal from the RASL that is within 90 days after the date the board convenes.

3. Promotion Selection Board. The function of the board is to recommend Unrestricted Reserve officers of the Marine Corps Reserve on the RASL for promotion to the grade of major. The officers selected will be those officers whom a majority of the members of the board consider best qualified for promotion, giving due consideration to any guidance provided in this precept concerning the needs of the Marine Corps for officers with

particular skills. In addition to the foregoing standard of best qualified, all officers recommended for promotion by the board must be fully qualified; that is, each officer's qualifications and performance of duty must clearly demonstrate that the officer would be capable of performing the duties normally associated with the next higher grade.

4. Career Patterns

a. The Marine Corps has not established an expected or preferred career pattern for officers of the Regular or Reserve Component. In your deliberations you should consider that assignments are made in the best interests of the Marine Corps. Officers rarely have direct influence over their assignments. As a result of assignment policies and practices, some officers have developed skills and experience outside of their primary MOS and may have been ordered to serve multiple tours in that sub-specialty. When reviewing an officer's qualifications for the next higher grade, you should also consider that the Marine Corps benefits when the officer corps possesses a broad spectrum of experiences such as foreign language proficiency, and cultural awareness. Assignments to the operating forces, recruiting duty, equal opportunity duty, joint and external billets, billets requiring language proficiency such as international exchange tours and foreign area officer/regional affairs officer tours, the special education program or the advanced degree program, the training community, and the supporting establishment, all contribute to the depth and breadth of experiences that are critical to the Marine Corps. In determining the qualifications for promotion of any officer, equal weight should be given to performance in all assigned billets.

b. The War on Terrorism has seen the growth of billets traditionally not filled by Marine Officers. Officers assigned to nation building and crisis operations billets are critical to the success of our Country's policies. The board should be especially diligent in weighing the qualifications of Officers serving in Transition Teams (TT) and Joint Individual Augmentation (IA) billets. Service in these critical billets should weigh equal to traditional Marine Corps officer billets in the operational forces supporting the Global War on Terrorism during board deliberation.

c. In addition, in some instances, utilization policies or practices, such as those based on statutory restrictions on the assignment of women, may have had an effect on career opportunities. All assignments are important to the Marine Corps, and successful performance of assigned duties is the key in measuring an officer's potential for promotion. In determining the qualification for promotion of any officer who has been affected by such utilization policies or practices, performance in duty assignments should be given the same weight

as that given to duty equally well performed by officers who were not affected by such policies or practices.

5. Equal Opportunity

a. The Department of the Navy is dedicated to equality of treatment and opportunity for all personnel without regard to race, religion, color, gender, or national origin. The Marine Corps strives to maintain a professional working environment in which a Marine's race, religion, color, gender, or national origin will not impact his or her professional opportunities. Accordingly, within this board's charter to select those officers who are "best and fully qualified," you must ensure that officers are not disadvantaged because of their race, religion, color, gender, or national origin.

b. Your evaluation of all officers must afford them fair and equitable consideration. You should be particularly vigilant in your evaluation to take care that no officer's promotion opportunity is disadvantaged by service utilization policies or practices. You should evaluate each officer's potential to assume the responsibilities of the next higher grade. The overriding evaluation factor is the performance of assigned duties and I remind you that all assigned duties are important.

c. This guidance should not be interpreted as requiring or permitting preferential treatment of any officer or group of officers on the grounds of race, religion, color, gender, or national origin.

6. Professional Military Education. Professional military education (PME), either resident or non-resident, is a valuable and important aspect of a Marine officer's professional development. The successful completion of PME demonstrates an officer's commitment to self-improvement and represents a desire to prepare for positions of increased responsibility. Milestones toward completion of PME (i.e., course completion certificates) similarly are indicative of these distinguishing traits.

7. When discussing your own personal knowledge concerning the professional qualifications of eligible officers, the board is reminded that if personal remarks, based on a member's personal knowledge, could be considered "adverse," the member cannot discuss his or her personal knowledge or evaluation unless such matter is contained in the officer's official record or other material placed before the board in compliance with the law and Service regulation. In addition, should an officer's record reveal the removal of a fitness report via the Performance Evaluation Review Board, Board for Correction of Naval Records, etc., the member may not discuss his or her personal knowledge regarding the circumstances which resulted in the removal of the report from the officer's record. However, documented incidents of misconduct and substandard performance which are included in

an officer's official record must be briefed to all board members. Members must carefully consider each such incident in connection with their deliberations.

8. Faced with many well-qualified officers, there may be a tendency to simplify your task by summarily putting aside the folders of officers whose past records are less than perfect. However, to do this is to fall short of your obligation. A judgment of the whole person and the whole record is required to determine whose future potential will serve the Marine Corps best. You may conclude that particular adverse information undermines an officer's ability to serve successfully in a position of increased authority and responsibility, despite an otherwise outstanding record. On the other hand, you may find that an officer's overall outstanding performance demonstrates such potential for future service that it outweighs any deficiency noted in the record. Some officers will have learned from their mistakes in ways that make them stronger; others will have strengths that outweigh relative weaknesses in their records. Make the best, not simply the most obviously defensible, choices. By doing this you will not only fulfill your obligation, you will also better serve the Marine Corps.

9. In addition to determining which officers are best and fully qualified for the promotion, the board must ensure all officers considered are qualified to perform the duties of their current grade. The Marine Corps can afford nothing less than a dynamic and totally competent officer corps and the Nation expects the officers of the Marine Corps to exemplify the personal and professional character upon which successful military units are built. The foundation of our character is predicated on our three Core Values: Honor, Courage, and Commitment. Accordingly, the board has a duty to forward to me the name of any officer whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention on the RASL. The requirement to show cause can arise from substandard performance of duty, misconduct, moral or professional dereliction, or if retention is clearly inconsistent with the interests of national security. The board shall provide, under separate cover signed by the president and the recorder, a supplemental memorandum containing a brief explanation of the basis for the board's opinion that an officer should be required to show cause for retention on the RASL. Upon such recommendation, I have the discretion to direct a more detailed inquiry into the matter.

10. A critical goal of the Marine Corps is to encourage -- to demand -- innovation and efficiency to ensure that we retain an adaptive, flexible, and effective naval force able to anticipate events and win across the spectrum of conflict. Our institution must not restrict or limit the opportunity of any Marine to think creatively, develop new ideas, take prudent risks, and maximize capabilities through sound management practices. In your

consideration, recognize that the continued preeminence of the Marine Corps in the future is inextricably linked to its ability to change and to manage for efficiency. Our future depends on leaders who have demonstrated their awareness of this fact. Within the charter of best and fully qualified, seek to select these officers. Bear in mind that, in the context of a changing Marine Corps, officers demonstrating innovative thinking, efficient management skills, prudent risk taking, and effective business practices may reflect a variety of backgrounds.

11. The official military personnel records provided to the board may include medical documents relevant to an officer's physical qualifications. If the board desires clarification of any such document, then the board president should reduce the board's questions to writing and forward them to me. I will provide such clarification as may be appropriate.

12. The board president shall perform such administrative duties in connection with the board proceedings as I may prescribe. The board president has no authority to constrain the board from recommending for selection those fully qualified officers whom the majority finds best qualified to meet the needs of the Marine Corps as specified by me. The board president shall ensure that paragraph 13 of this enclosure is read to each board member, recorder, and administrative support person on the convening date of the board or on the date of assignment to the board, whichever is later.

13. Per DoD Instruction (DoDInst) 1320.14 of 24 September 1996, the following instructions concerning communications and information apply to these board proceedings:

a. Each of you (president, members, recorders, and administrative support personnel) is responsible to maintain the integrity and independence of this promotion selection board, and to foster the careful consideration, without prejudice or partiality, of all eligible officers. DoDInst 1320.14 provides specific rules governing the conduct of officer promotion selection boards and the actions of promotion selection board personnel.

b. You must pay particularly close attention to the rules governing communications with and among other board members, the information authorized to be furnished to you, and the procedures you should follow if you believe that the integrity of this promotion selection board has been improperly affected.

c. You may not receive, initiate, or participate in communications or discussions involving information that DoDInst 1320.14 precludes from consideration by a promotion selection board. You are to base your recommendations on the material in each officer's military record, any information I have provided to the board in accordance with DoDInst 1320.14, and any

information about his or her own record communicated to you by individual eligible officers under regulations I have issued. In your deliberations, you may discuss your own personal knowledge and evaluation of the professional qualifications of eligible officers to the extent that such matters are not precluded in law, DoDInst 1320.14, or Service regulation from consideration by a promotion selection board or inclusion in an officer's military personnel record. You may not discuss or disclose the opinion of any person not a member of the board concerning an officer being considered unless that opinion is contained in material provided to the board under the provisions of DoDInst 1320.14.

d. I am the only person who may appear in person to address you on other than administrative matters. All communications with this board, other than those that are clearly administrative, must be in writing, given to each of you, and made part of the board's record. I have designated in writing those persons authorized to provide routine administrative information to you.

e. Before the report of the selection board is signed, the recommendations may be disclosed only to members of the board, recorders, and those administrative support personnel I have designated in writing. After you sign the board report, only the recommendations of the board may be disclosed. Except as authorized by DoDInst 1320.14 and sections 613a, 616(e), 14104, or 14108(d) of title 10, U.S. Code, the proceedings of the board may not be disclosed to any person not a board member or board recorder.

f. If at any time you believe that you cannot in good conscience perform your duties as a member of the board without prejudice or partiality, you have a duty to request relief by me from this duty. I will honor any such request. If you believe that the integrity of the board's proceedings has been affected by improper influence of military or civilian authority, misconduct by the board president or a member, or any other reason, or believe someone is exerting or attempting to exert inappropriate influence over the board or its proceedings, you have a duty to request from me or the Secretary of Defense relief from your obligation not to disclose board proceedings and, upon receiving it, to report the basis for your belief.

g. Upon the completion of the board's deliberations, you will, at a minimum, certify in your report to me that:

(1) To the best of your knowledge, the board complied with DoDInst 1320.14;

(2) That you were not subject to or aware of any censure, reprimand, or admonishment about the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board;

(3) That you were not subject to or aware of any attempt to coerce or influence improperly any action in the formulation of the board's recommendations;

(4) That you were not party to or aware of any attempt at unauthorized communications;

(5) That, to the best of your knowledge, the board carefully considered the record of each officer whose name was furnished to the board;

(6) That the officers recommended for promotion are, in the opinion of the majority of the members of the board, fully qualified and best qualified to meet the needs of the Marine Corps among those officers whose names were furnished to the board;

(7) A majority of the members of the board, after consideration by all members of the board of any adverse information about the officers selected for promotion that is provided to the board, finds that the officers selected for promotion are best qualified for promotion to meet the needs of the Marine Corps consistent with the requirements of exemplary conduct set forth in section 5947 of title 10, U.S. Code, which states:

> "All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge";

(8) That you are aware that the names of the selectees will be released to the public after the board report is approved, and you know that you may not disclose recommended selectees until the names are released to the public; and

(9) That you understand that, except as authorized by DoDInst 1320.14 and sections 613a, 616(e), 14104, or 14108(d) of title 10, U.S. Code, you may never disclose the proceedings and deliberations of the board to any person who is not a board member or board recorder.

14. Prior to adjournment, the board must review the extent to which the expectations of this promotion selection board guidance have been met.

15. The record of the promotion selection board's proceedings shall be prepared by the recorders and administrative support staff and shall contain at a minimum:

a. Convening notice required by section 14105 of title 10, U.S. Code;

b. All instructions, information, and guidance that were provided to the board, under section 14107 of title 10, U.S. Code, and DoDInst 1320.14, except information concerning particular officers, which must be retained and transferred to the Director, Personnel Management Division;

c. The written report of the board;

d. A list of all officers eligible for consideration;

e. A sampling of records prepared by the board president under procedures prescribed by the Commandant of the Marine Corps for use in convening special selection boards; and

f. This precept.

16. The board president, the board members, and board recorders shall sign the written report of the promotion selection board. The report shall contain: a list of the names of the officers it recommends for promotion, the name of any officer recommended to show cause, and the certification described in paragraph 13g. Upon completion of its proceedings, the promotion selection board shall forward its report to the Principal Deputy Under Secretary of Defense for Personnel and Readiness for approval via, first, the Commandant of the Marine Corps for his recommendations, second, the Judge Advocate General of the Navy for legal review, and third, me.