



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

BJG
Docket No: 824-00
12 December 2001

LCPL [REDACTED] USMCR
[REDACTED]
[REDACTED]

Dear Lance Corporal [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 20 March 2000, and a memorandum for the record, dated 5 July 2000, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion, amended as indicated in the memorandum for the record. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



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

IN REPLY REFER TO:

1070
MI
20 MAR 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF LANCE CORPORAL [REDACTED]
[REDACTED] USMCR

1. We reviewed Lance Corporal [REDACTED] application and supporting documents concerning his request for removal of the PRO/CON marks 3.0/3.0 dated 19990131 from his service records.
2. MCO P1070.12J, Marine Corps Individual Records Administration Manual (IRAM), paragraph 4007, provides guidance to commanders in reporting conduct and duty proficiency markings, authorizes commanders to make Service Record Book (SRB) entries on the Record of Service (ROS) and retention of the ROS for future visual reference of previously reported markings.
3. Commanders have full discretion in assigning marks outside the standards set forth in MCO P1070.12J for good and sufficient reasons. However, paragraph 4007.6c requires documenting for any reason other than a court-martial or nonjudicial punishment by a page 11 entry for assignment of conduct marks below 4.0; paragraph 4007.7c requires documenting by a page 11 entry for assignment of proficiency marks below 3.0.
4. The following comments concerning Lance Corporal [REDACTED] request for removal of the PRO/CON marks are provided:
 - a. Lance Corporal [REDACTED] was assigned below average PRO/CON marks on 19990131.
 - b. Lance Corporal [REDACTED] was not the subject of a derogatory Administrative Remarks page 11 entry pertinent to the assignment of below average conduct marks.
 - c. Telephonic liaison with Lance Corporal [REDACTED] SRB custodian, Marine Aircraft Group 42 administrative section, commercial telephone number (770) 919-6435, supports his claim that he did not receive a "page 11 entry to support a 3.0 conduct mark". Derogatory information is required for assignment of below average conduct marks.
 - d. The assignment of 3.0 conduct marks on 19990131 are not within the guidelines and standards set forth in paragraph 4007.6c of the IRAM.

GJ AD

Subj: BCNR APPLICATION IN THE CASE OF LANCE CORPORAL [REDACTED] USMCR

5. In view of the above, it is recommended that:

a. Lance Corporal [REDACTED] request for removal of the PRO/CON^{SMC} marks 3.0/3.0 dated 19990131 be disapproved.

b. The conduct marks of 3.0 be replaced with 4.0 marks.

6. Point of contact is [REDACTED] at [REDACTED]

[REDACTED]

Head, Field Support Branch
Manpower Management Information
System Division

5 JUL 00

MEMO FOR THE RECORD

IN A PHONE CONVERSATION TODAY WITH THE POINT OF CONTACT AT (MI) [REDACTED] WAS POINTED OUT THAT THERE IS NO REASON TO MAKE ANY CHANGES TO PETITIONER'S PRO/CON MARKS. THE "CONDUCT" MARK OF "3.0" IS CORRECT BECAUSE PETITIONER RECEIVED NJP ON 5 OCT 98, WHICH WAS DURING THE CONTESTED PERIOD.

DOCUMENTATION TO SUPPORT A "3.0" CONDUCT MARK IS NOT REQUIRED IF NJP WAS RECEIVED. [REDACTED] AGREED.

SHIRLEY COLSTON
CASE EXAMINER

MEMO FOR THE RECORD