



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

SMC
Docket No: 07178-99
29 June 2000

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

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

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

Encl: (1) DD Form 149 dtd 4Nov99 w/attachments
(2) MCCDC memo dtd 9Jun00
(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 by removing from the Marine Corps Total Force System (MCTFS) the entry reflecting his assignment to the weight control program on 15 January 1995. A copy of the MCTFS printout reflecting this entry is at Tab A.

2. The Board, consisting of Mses. Moidel and Newman and Mr. Geisler, reviewed Petitioner's allegations of error and injustice on 29 June 2000 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 Marine Corps Combat Development Command office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

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 injustice warranting the following corrective action.

RECOMMENDATION:

a. That the MCTFS data be corrected by removing the entry reflecting Petitioner's assignment to the weight control program on 15 January 1995.

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.

Robert D. Zsalm
FOR W. DEAN PFEIFFER
Executive Director



UNITED STATES MARINE CORPS
MARINE CORPS COMBAT DEVELOPMENT COMMAND
QUANTICO, VIRGINIA 22134-5001

7175-29
IN REPLY REFER TO:
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C 461TP
09 Jun 00

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

Subj: BNCR APPLICATION IN THE CASE OF STAFF SERGEANT [REDACTED].
[REDACTED] USMC, [REDACTED]

Ref: (a) MCO 6100.10B, *Weight Control and Military Appearance*

1. The following Advisory Opinion is provided:

a. Marines must be medically evaluated prior to formal assignment to weight control; however, [REDACTED] indicated that the evaluation was not conducted.

b. SSgt [REDACTED] stated he was not given an "opportunity to apply for an alternate weight" - in 1995, reference (a) did not allow for alternate weights in lieu of an assignment to weight control.

c. The enclosed fitness reports raise several issues: The command did not identify SSgt [REDACTED] weight control assignment in his first fitness report of 940816-950228. Additionally, the fitness report of 951222-970228, referred to an alternate weight of 235 lbs, yet at the time, SNM exceeded this weight by 6 lbs; therefore, he was actually a candidate for weight control.

d. SSgt [REDACTED] December 1997 alternate weight waiver was contrary to reference (a), following release of ALMAR 369/97 in October 1997, which eliminated waivers. Even if Major [REDACTED] was referring to a secondary (body fat) screen, and not an alternate weight, his use of skinfold measurement was not in accordance with reference (a), nor the Department of Defense Directive 1308.3, *Physical Fitness and Body Fat Program*, which directs that only tape/circumferential measurements be used to determine percent body fat.

2. Summary

a. Based on the information provided, SSgt [REDACTED] was assigned to weight control without the benefit and requirement of a medical evaluation, as directed by reference (a).

b. The fitness report of 940816-950228 did not accurately address SSgt [REDACTED] weight control assignment, as it should have. The report of 951222-970228 should not have been listed as "outstanding" - SNM was out of standards by exceeding his alternate weight.

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c. There were no alternate weight waivers granted after October 1997 - [REDACTED] December 1997 waiver was not in accordance with reference (a).

3. Bottom line, concur with [REDACTED] request for removal of his initial assignment entry to the weight control program.

4. T&E point of contact is [REDACTED] at [REDACTED].

[REDACTED]