



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

BJG  
Docket No: 7937-00  
29 August 2001

CPI [REDACTED] USMC  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear 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 29 August 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 opinions furnished by Headquarters Marine Corps dated 10 and 30 January 2001, 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 opinions. 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

10 JAN 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

1. We reviewed Corporal [REDACTED] application and supporting documents concerning her request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entries dated 4-26-00 and 000605 from her service records.
2. MCO P1070.12J, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 which are considered matters forming an essential and permanent part of a Marine's military history, which are not recorded elsewhere in the Service Record Book or the Marine's automated record and will be useful to future commanders.
3. One of the many leadership tools that a commander has at their disposal is counseling and rehabilitation for their Marines. Marine Corps policy is that reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings and that the commander is authorized to document those efforts by a page 11 counseling entry per the IRAM. The Marine Corps Separation Manual, paragraph 6105, sets forth policy pertaining to counseling and rehabilitation. In cases involving unsatisfactory performance, pattern of misconduct, or other bases requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records.
4. MCO P1400.32B, Marine Corps Promotion Manual, Volume 2, Enlisted Promotions (MARCORPROMMAN, Vol. 2, ENLPROM), chapter 2, provides the administrative guidance concerning promotion qualifications for promotion to Corporal and Sergeant. Paragraph 2300.1 explains the appropriate administrative procedures required for Marines who are eligible yet not recommended for promotion.

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5. The following comments/opinions concerning the page 11 entry dated 04-26-00 are provided:

a. The counseling entry meets the elements of a proper page 11 counseling in that it lists specific deficiencies and recommendations for corrective action, where assistance can be found, and states that the Marine was provided the opportunity to make a rebuttal statement. Additionally, the Marine must annotate whether or not they choose to make such a statement and if made, a copy of the statement must be filed in the service record.

b. Corporal [REDACTED] acknowledged the counseling entry by her signature and indicated her desire to make a statement in rebuttal. The statement is included in her application.

c. Corporal [REDACTED] claims that this page 11 entry is inaccurate and unjust on the basis that it is from a former supervisor who did not want her to get promoted. Documentation enclosed in her application notes that she was "moved to Depot Adjutant" when her supervisor was assigning proficiency and conduct markings of "4.2/4.2." However, we are unable to ascertain if this move was during the same time frame that the page 11 entry was prepared.

d. Corporal [REDACTED] received semi-annual proficiency/conduct markings of 4.5/4.4 on 20000131 and 4.2/4.2 on 20000731. These marks indicates she met or exceeded the basic qualifications for promotion. Marines who are counseled for substandard conduct and performance should not receive evaluation markings above 4.0 during a reporting period per the IRAM.

e. Corporal [REDACTED] claim that "The page 11 suddenly turned into a 6105 a month after the occurrence." is irrelevant, the counseling did in fact take place. The IRAM does not require that a counseling entry must be completed within a specified time frame. Taking into consideration the preparation and processing time to complete the page 11 entry, within a 30 day period is a reasonable amount of time from the date when the conduct or performance deficiency occurred. However, as in this case, if a Marine who is eligible and recommended for promotion to the next higher grade, this entry should have been a high priority issue in getting prepared and included in her service records.

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[REDACTED] USMC

f. Corporal [REDACTED] does not refute the contents of the counseling entry in her rebuttal statement. As a matter of fact, she acknowledges that an incident did occur.

g. This page 11 entry may have the appearance of setting the stage for her not to be recommended for promotion for the months of June and July 2000, taking adverse action in disqualifying her for promotion 'after the fact'. She must be counseled of that decision. Documentation included in the application shows that Corporal [REDACTED] was recommended from 1 April to 1 June 2000.

h. Paragraph 2300.1 of the MARCORPROMMAN, Vol. 2, ENLPROM requires that if a Marine is not recommended, an entry on the unit diary followed by a concurrent page 11 entry must be entered in the Marine's records between the 1st and the 15th day of the month prior to the month for which the Marine is not recommended for promotion during that quarter. In this case, the promotion quarter was from 1 April through 30 June 2000. Corporal Reynolds' supervisor had the opportunity to notify the admin section that an impending adverse action was forthcoming which would have an effect on her promotion eligibility and all administrative procedures should have been completed between 1 and 15 May 2000. Subsequently, the promotion authority was issued on 25 May 2000, setting forth guidance and instructions to effect her promotion. Corporal [REDACTED] has provided substantiating documentation in her application to show that she was qualified and recommended for promotion on 1 June 2000.

i. Corporal [REDACTED] former unit reported a "will not promote" on the unit diary 5 June 2000 and prepared a concurrent page 11 entry as required. However, again, the unit responded 'after the fact'.

j. Corporal [REDACTED] prepared promotion certificate was subsequently withdrawn on the basis of this adverse page 11 entry by her commander, a decision that was authorized per paragraph 1201.4 of the MARCORPROMMAN, Vol. 2, ENLPROM.

6. The following comments/opinions concerning the page 11 entry dated 000605 are provided:

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a. The "Eligible but not Recommended for Promotion" page 11 entry meets the elements of a proper page 11 counseling in that it lists eligibility for promotion to a specific pay grade, the month or quarter and year eligible, and states the reason why she was not recommended. Additionally, it shows that she was afforded the opportunity to annotate whether or not she chose to make such a statement and if made, a copy of the statement must be filed in the service record.

b. Corporal [REDACTED] acknowledged the counseling entry by her signature and indicated her desire to make a statement in rebuttal. It is noted that the statement is not included in her application nor is it known if the statement is filed in her Service Record Book.

c. This page 11 entry has the appearance of not recommending her for promotion for the month of June 2000 'after the fact'. She must be counseled of that decision. Documentation included in the application shows that Corporal [REDACTED] was recommended during the period of 1 April through 1 June 2000 after she obtained a composite score. The June 2000 promotion authority directive indicates that she was eligible and qualified for promotion for 1 June 2000 and a promotion certificate was prepared. However, her promotion was withdrawn and this page 11 entry was prepared.

d. A review of Corporal [REDACTED] proficiency and conduct markings during this period of time shows that she was an average Marine. During the past two years, her records indicate that she had no unfavorable impressions as to attitude, interests, cooperation, obedience, aftereffects of intemperance, courtesy and consideration, and observance of regulations. Her performance was of the level that she could be depended upon to discharge her regular duties thoroughly and competently, but usually needed assistance in dealing with problems not of a routine nature. It can be possible that this level of performance be degraded to an unsatisfactory level in a short period of time, however, it seems unlikely in this case based upon her previous sustained level. Additionally, it should be noted that she was experiencing a medical problem that diminished her ability to perform in her primary occupation field. During January 2000, the Washington, DC Physical Evaluation Board considered her to be medically fit to continue Active Duty.

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[REDACTED] USMC

e. During the period from 1 January through 1 June 2000, documentation enclosed in her application indicates that she was eligible and recommended for promotion. However, she did not have the required composite score to be promoted until June.

f. It is of our opinion that her former supervisor, Captain [REDACTED] had professional or performance reasons for not wanting to promote her. We cannot, however, totally discount her claim that Captain [REDACTED] may have also had personal reasons. While the process used for recommending her for promotion and later submitting a 'will not promote' was in accordance with what is allowed in the Enlisted Promotion Manual, the counseling entry does refer to an incident that occurred prior to two previous 'recommended for promotion' annotations. Also, it is noted that Corporal [REDACTED] was not employed in her primary occupational field because of her medical problems and it appears that she may have needed extra motivational efforts from her supervisors to perform at the highest possible level.

7. As stated in paragraphs 5a, 5b, 6a, and 6b above, these page 11 entries meet all the elements of proper page 11 entries. However, when placed in perspective with the substantiated documentation enclosed in this application, it appears that the intention was to establish a possible pattern of substandard conduct and performance in order to effect adverse action, by not recommending Corporal [REDACTED] for promotion to Corporal when she became qualified on 1 June 2000.

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

a. Disapprove Corporal [REDACTED] request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 4-26-00 from her service records.

b. We defer making a recommendation to the Board on Corporal [REDACTED] request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 000605 from her service records.

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[REDACTED] SMC

c. We defer advisory/opinion recommendations concerning the promotion correction issue to the Headquarters Marine Corps, MMPR Division.

9. Point of contact is [REDACTED]

[REDACTED]

[REDACTED] KI  
Head, Field Support Branch  
Manpower Management Information  
Systems Division





DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
MANPOWER AND RESERVE AFFAIRS DEPARTMENT  
HARRY LEE HALL, 17 LEJEUNE ROAD  
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1400/3  
MMPR-2  
30 Jan 01

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

Subj: ADVISORY OPINION IN THE CASE OF CORPORAL [REDACTED]  
[REDACTED] 80 [REDACTED] USMC

Ref: (a) MCO P1400.32C, ENLPROMMAN

1. Corporal [REDACTED] has requested the removal of the page 11 entries dated 000426 and 000605 from her service records and the backdating of her corporal date of rank to reflect 1 June 2000 vice 1 November 2000. The entry dated 000605 was for the non-recommendation of her promotion to the grade of corporal for the June 2000 promotion period. It was based on the previous page 11 entry that she received on 26 April 2000.

2. The page 11 counseling entries remain a part of Corporal [REDACTED] service records. Since there have not been any changes to Corporal [REDACTED] records, her request should not be granted. In addition, the reference vests the ultimate authority to effect enlisted promotions in commanding officers. A recommendation in favor of promotion is not a guarantee of promotion. Our review of Corporal [REDACTED] petition reveals no abuse of the commander's discretion in deciding to not effect her promotion on 1 June 2000.

3. We recommend her petition be denied.

[REDACTED]

[REDACTED], Enlisted Promotion Section  
Promotion Branch  
By direction of  
the Commandant of the Marine Corps