



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

BJG
Docket No: 379-02
22 March 2002

S [REDACTED] C

Dear Staff S [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.

You requested removal of your fitness reports for 1 March to 28 August 1998 and 1 October to 14 November 1998, as well as documentation of your relief for the good of the service from recruiting duty.

It is noted that the Commandant of the Marine Corps (CMC) has directed modification of the report for 1 March to 28 August 1998 by deleting the following from section C:

Report submitted due to SNM [subject named Marine]'s voidance of 8411 MOS [military occupational specialty] for back injury sustained in an auto accident which has complicated her pregnancy & placed her in a bed rest/no duty status until after the birth of her child. Awaiting humanitarian transfer to I - I [inspector - instructor].

Further, the third sentence of section C of the same report is to be modified by deleting the words "prior to the accident," so the sentence, as amended will read as follows: "Recruited for 3 months of this period & did an excellent job [emphasis in original]." CMC also directed modification of the report for 1 October to 14 November 1998 by deleting the following from section C:

SNM was put on bed rest/no duty due to pregnancy problems/back problems. SNM is being transferred by SRB [service record book] to I & I Houston due to pregnancy and back problems. Pregnant. This report is late due to administrative oversight.

Finally, CMC directed removal of the relief for the good of the service documentation.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 March 2002. 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 report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 11 January 2002, the advisory opinion from the HQMC Manpower Information Systems Field Support Branch, Manpower Management Information Systems Support Division, dated 8 March 2002 with enclosure, and the memorandum for the record dated 18 March 2002, 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 report of the PERB in finding that complete removal of the contested fitness reports, as amended, is not warranted. Accordingly, your application for relief beyond that effected by CMC 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

Enclosure



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

379-02

IN REPLY REFER TO:
1610
MMER/PERB
JAN 11 2002

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

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
SERGEANT [REDACTED] USMC

Ref: (a) SSgt [REDACTED] DD Form 149 of 5 Sep 01
(b) MCO P1610.7D w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 9 January 2002 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 980301 to 980828 (CD)
- b. Report B - 981001 to 981114 (TR)

Reference (b) is the performance evaluation directive governing the submission of both reports.

2. The petitioner believes that since the voidance of her 8411 MOS was overturned, and her records were corrected to reflect completion of a successful tour on recruiting duty, removal of the challenged fitness reports is warranted.

3. In its proceedings, the PERB concluded that:

a. Report A should be corrected by eliminating any and all reference to the voidance of her 8411 MOS, as well as information not directly relevant to her change of duty. They also found the verbiage in Report B to be redundant concerning her medical problems and pregnancy. To this end, the Board has directed modification of the fitness reports as indicated:

(1) Report A. Elimination of the following verbiage:
"Report submitted due to SNM's voidance of 8411 MOS for back injury sustained in an auto accident which has complicated her pregnancy & placed her in a bed rest/no duty status until after the birth of her child. Awaiting humanitarian transfer approval to I-I."

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
SERGEANT [REDACTED] USMC

(2) Report B. Elimination of the following verbiage:
"SNM was put on bed rest/no duty due to pregnancy problems/back
problems. SNM is being transferred by SRB to [REDACTED] due to
pregnancy and back problems. Pregnant. This report is late due
to administrative oversight."

b. The Board does not agree with the petitioner that
complete removal of either report is warranted. Report A is
consistent with other fitness reports the petitioner received
while on recruiting duty and Report B is nothing more than a
"not observed" evaluation.

4. The Board's opinion, based on deliberation and secret ballot
vote, is that the contested fitness reports, as modified, should
remain a part of Staff Sergeant [REDACTED] official military
record.

5. The case is forwarded for final action.

[REDACTED]
Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps



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

379-02

IN REPLY REFER TO:
1070
MIFD
8 MAR 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF STAFF SERGEANT [REDACTED]
[REDACTED] NMC

Encl: (1) Head, Field Support Branch MEMORANDUM dated 6 Mar 2002

1. We reviewed Staff Sergeant [REDACTED] application and supporting documents concerning her request for removal of documents pertaining to the relief for the Good of the Service (GOS) from her service records.

2. Staff Sergeant [REDACTED] claim why she believes that her records are in error or unjust is supported by Head, Enlisted Assignments Branch (MMEA-85) letter 1200 MMEA-85 dated 12 Oct 1999 which is included in her application.

3. The enclosure is forwarded, informing the Board that relief of Staff Sergeant [REDACTED] requested action was administratively granted by this office.

4. Upon receipt, this office will forward to the Board the documents requested in the enclosure.

5. Point of contact is [REDACTED] DSN: [REDACTED]

[REDACTED]

Head, Manpower Information
Systems Field Support Branch
Manpower Management Information
Systems Support Division

1070
MIFD
6 MAR 2002

MEMORANDUM

From: Head, Manpower Information Systems Field Support Branch,
Manpower Management Information Systems Support Division
To: Head, Records Correspondence Section, Personnel Management
Support Branch

Subj: CORRECTION OF THE OFFICIAL MILITARY PERSONNEL FILE (OMPF)
PERTAINING TO STAFF SERGEANT A [REDACTED]
USMC

Ref: (a) MCO P1070.12

Encl: (1) Copy of Relief for GOS documents on file in OMPF
(2) Copy of Head, Enlisted Assignments Branch (MMEA-85)
ltr 1200 MMEA-85 dated 12 Oct 1999

1. The Board for Correction of Naval Records (BCNR) has requested that this Division review the subject named Marine's official military personnel files (OMPF) regarding her alleged claim of error and injustice to her records. Staff Sergeant S [REDACTED] has requested that the erroneous information contained in enclosure (1) be removed from her service records which can be granted administratively by this Division as authorized by the reference. Additionally, enclosure (2), the approval authority for a Good of the Service (GOS) relief from recruiting duty, has recinded their decision in the relief, supports her request for removal of these documents.

2. Based upon this review, it has been determined that the following errors require corrective action. Request that the documents contained in enclosure (1) be expunged from Staff Sergeant [REDACTED] OMPF and forwarded to this Branch for disposition.

3. Please advise the point of contact, [REDACTED] at ext [REDACTED] by EMAIL at welchjr@manpower.usmc.mil, of actions completed.

[REDACTED]

Encl (1)

DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: (703) 614-2293 OR DSN 224-2293
FACSIMILE: (703) 614-9857 OR DSN 224-9857

MEMORANDUM FOR THE RECORD

DATE: 18MARB02

DOCKET NO: [REDACTED]

PETITIONER (PET): [REDACTED] USMC

PARTY I CALLED: [REDACTED] HQMC PERB

WHAT PARTY SAID: DAHRIE AGREED TO REMOVE THE FOLLOWING
ADDITIONAL LANGUAGE FROM SECTION C OF THE CONTESTED FITREP FOR
IMA [REDACTED] PRIOR TO THE ACCIDENT

WHAT I SAID: N/A

[REDACTED]