



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

BJG
Docket No: 3872-02
4 October 2002

LCPL [REDACTED] USMC
[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 3 October 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 advisory opinion furnished by Headquarters Marine Corps, dated 11 July 2002, a copy of which is 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. They agreed with you that ALMAR 068/97, Subject: Marine Corps Access to the Internet Permissible and Prohibited Conduct, cited in the contested service record page 11 entry as having been violated, was inapplicable to your case; however, they did not find this invalidated the entry, nor did they find it was a material error warranting correction. They were unable to find you were counseled merely for having received inappropriate electronic mail, without any fault on your part. In view of the above, 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

Enclosure



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

IN REPLY REFER TO:

1070

MIFD

11 JUL 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

1. Lance Corporal [REDACTED] application with supporting documents has been reviewed concerning her request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 011119 from her service records.
2. MCO P1070.12K, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make Service Record Book (SRB) entries on page 11 that are essential to document an event in a Marine's career for which no other means or method of recording exists elsewhere in the SRB or the Marine's automated record, and which will be useful to future commanders.
3. MCO 1610.12, the U.S. Marine Corps Counseling Program states that:
 - a. "Counseling is that part of leadership which ensures, by mutual understanding, that the efforts of leaders and their Marines are continuously directed toward increased unit readiness and effective individual performance.
 - b. Increase individual performance and productivity through counseling and thereby increases unit readiness and effectiveness.
 - c. Counseling enhances the leader's ability to improve the junior's performance."
4. 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 (MCO P1900.16), paragraph 6105, sets forth policy pertaining to counseling and rehabilitation.

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

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.

5. The following comments/opinions concerning the page 11 entry dated 011119 are provided:

a. The counseling entry does meet the elements of a proper page 11 counseling. It lists deficiencies, recommendations for corrective action, available assistance, and states that Lance Corporal [REDACTED] was provided the opportunity to make a rebuttal statement. Additionally, the entry affords her an opportunity to annotate whether or not she chose to make such a statement and if made, a copy of the statement would be filed in the SRB.

b. Lance Corporal [REDACTED] acknowledged the counseling entry by her signature and indicated her desire "to" submit a statement in rebuttal that is enclosed in her application.

c. Lance Corporal [REDACTED]'s claim that the page 11 counseling entry is in error or unjust because the contents of the entry is "inconsistent with the events that actually transpired." is irrelevant. The event, counseling, did occur and that she has acknowledged that fact by her signature.

d. Lance Corporal [REDACTED] explains the contents of the page 11 entry in her rebuttal statement. However, she does not provide any other supporting documented evidence to support her request for removal of the page 11 entry.

e. Lance Corporal [REDACTED] commander utilized all available leadership tools as stated in paragraph 3 and 4 above, and followed proper procedures authorized by the IRAM in documenting those actions in a page 11 counseling entry.

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

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

a. The Board for Correction of Naval Records disapprove Lance Corporal [REDACTED] request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 011119 from her service records.

b. If the Board for Correction of Naval Records finds that Lance Corporal [REDACTED] records are in error or an injustice was committed, approve her request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 011119 from her service records.

7. Point of contact is [REDACTED] at DSN [REDACTED]

[REDACTED] *li*

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