



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

SMC  
Docket No: 06732-00  
11 January 2001

SSGT [REDACTED] USMCR  
[REDACTED]

Dear Staff Sergeant [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 11 January 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 (HQMC), dated 17 November 2000, a copy of which is attached, and the memo for the record dated 29 November 2000.

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 warranting removal of the contested service record page 11 counseling entry. In this connection, the Board substantially concurred with the comments contained in the advisory opinion and the comments of the Head, HQMC Performance Evaluation Review Branch (MMER) reflected in the memo for the record. Accordingly, your application for removal of the page 11 entry has been denied. The names and votes of the members of the panel will be furnished upon request.

You may ask your current command to file your revised rebuttal to the contested page 11 entry in your service record book, notwithstanding its not having been submitted within five working days.

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

6732-00



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

IN REPLY REFER TO:

1070

MI

17 NOV 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

1. We reviewed Staff Sergeant [REDACTED] application and supporting documents concerning her request for removal of the Administrative Remarks (1070) NAVMC 118(11)"e", page 11 entry dated 970908 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 (SRB) 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 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. 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 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.

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

b. Increase individual performance and productivity through counseling and thereby increase unit readiness and effectiveness.

c. Enhance the leader's ability to improve the junior's performance."

5. The following comments/opinions concerning the Administrative Remarks (1070) NAVMC 118(11), page 11"e" entry dated 970908 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 is filed in the SRB.

b. Staff Sergeant [REDACTED] acknowledged the counseling entry by her signature and indicated her desire to make a statement in rebuttal. A rebuttal statement was made and is on file on the document side of her SRB as required by paragraph 4010.2e of the IRAM.

c. Staff Sergeant [REDACTED] claim that her records are in error because her rebuttal statement "was not forwarded for inclusion in my OMPF," is not supported by paragraph 4010.2e of the IRAM. The requirement to include reproduced SRB pages in the official military personnel file (OMPF) is upon an immediate reenlistment and the rebuttal statement must accompany any adverse/derogatory page 11 entry. Staff Sergeant [REDACTED] reenlisted on July 12, 1997 and will not be eligible again until July 11, 2001, at which time the documents in question will be required to be included in her OMPF.

d. Staff Sergeant [REDACTED] claim that "Had the entry been just and motivated by the need for good order and discipline, it would have happened at an earlier time, vice on the day prior to my reassignment." is irrelevant. The event, counseling concerning conduct, did in fact occurred and the commander met the guidelines and policies set forth in MCO 1610.12.

e. Staff Sergeant [REDACTED] claim that "If the caliber had deteriorated to such a level as to warrant a counseling entry, this would have been known by those seniors and noted in at least one or both reports.", has the appearance that she is referring to the enclosed fitness reports. Paragraph 3a of MCO 1610.12 restricts the leader to accomplish fitness report preparation and counseling at the same time. Additionally, it can be possible that outstanding conduct be degraded to an unsatisfactory level in a short period of time after a fitness report was completed.

6. In view of the above, the following recommendations are provided:

a. Disapprove Staff Sergeant [REDACTED] request for removal of the Administrative Remarks (1070) NAVMC 118(11)"e" page 11 counseling entry dated 970908 her service records.

b. Disapprove Staff Sergeant [REDACTED] request that the "revised rebuttal" statement dated 17Jun00, enclosure (2), be included in her OMPF. This document does not meet the guidelines set forth in paragraph 4010.2e of the IRAM and paragraph 6106 of MCO P1900.16, which sets the five working day requirement to submit a written rebuttal.

c. We defer advisory opinions/recommendations concerning Staff Sergeant [REDACTED] claim that her fitness reports should have noted the deteriorated level of conduct and performance to the Headquarters, Marine Corps department, Code MMER.

7. Point of contact is [REDACTED]

[REDACTED]

Head, Field Support Branch  
Manpower Management Information  
Systems Division

29 NOVEMBER 2000

MEMO FOR THE RECORD

RE: CASE OF [REDACTED] USMCR, DOC [REDACTED]

I TELEPHONED [REDACTED] HEAD, HEADQUARTERS MARINE CORPS PERFORMANCE EVALUATION REVIEW BRANCH (MMER) REQUESTING AN ADVISORY OPINION REGARDING SSGT [REDACTED] ALLEGATION THAT IF SHE HAD A CONDUCT PROBLEM, AS ALLEGED IN THE CONTESTED PAGE 11 ENTRY DATED 8 SEPTEMBER 1997, IT WOULD HAVE BEEN MENTIONED IN EITHER OR BOTH OF HER FITNESS REPORTS FOR 1 AUGUST 1996 TO 31 JULY 1997 AND 10 AUGUST TO 7 SEPTEMBER 1997.

[REDACTED] STATED THAT THE PG 11 COULD HAVE BEEN A WAKE UP CALL FOR SSGT [REDACTED] AND THAT IT IS STANDARD POLICY THAT FITNESS REPORTS SHOULD NOT CENTER ON ONE ISSUE. FURTHER, FITNESS REPORTS AND COUNSELING ENTRIES ARE SEPARATE ISSUES, AND IT WAS POSSIBLE THAT THE REPORTING SENIORS INVOLVED FELT THAT [REDACTED] WAS OTHERWISE A SHARP INDIVIDUAL, AND THEY DID NOT WANT TO MENTION THE CONDUCT ISSUE IN THE FITNESS REPORT.

CASE # [REDACTED]  
[REDACTED]