



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

BJG
Docket No: 7499-01
18 January 2002

SSGT [REDACTED] USMC
[REDACTED]
[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 17 January 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 1 November 2001, 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. If you are correct that the contested documentation may harm your chances to be selected for promotion, this does not warrant removing it. 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
NOV 01 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

1. Staff Sergeant [REDACTED] application with supporting documents has been reviewed concerning his request for removal of the sensitive medical documentation contained in his official military personnel files (OMPF).

2. MCO 1070.14A, Official Military Personnel Files (OMPF) Contents, sets forth guidance and provides information on the contents of the OMPF in use at Headquarters, U. S. Marine Corps (HQMC). Only information essential to document a Marine's career or to assist in the mission of HQMC staff agencies are recorded in the OMPF.

3. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM) sets forth guidance and provides information concerning adverse matter and other reports, statements, or correspondence of a military nature authorized for inclusion in the OMPF. Certain limitations exist regarding the kinds of material authorized for inclusion in the OMPF.

4. The following comments/opinions concerning the sensitive medical documentation on file in his OMPF are provided:

a. Staff Sergeant [REDACTED] was relieved from recruiting duty for the good of the service due to a medical condition. These documents were part of the request by his commander to support the relief.

b. A copy of the approved relief for good of the service package does meet the guidelines contained MCO 1070.14A for inclusion in Staff Sergeant [REDACTED] OMPF.

c. Staff Sergeant [REDACTED] was provided the opportunity to make a rebuttal statement as required by paragraph 1000.4c of the IRAM.

d. Staff Sergeant [REDACTED] documented evidence enclosed in his application, BCNR letter LCC:lc Docket No. 4109-99 dated 28 September 1999, does not support his claim that inclusion of these documents in his OMPF is in error or unjust. The BCNR letter refers to another issue that is irrelevant to the contents of the OMPF.

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

a. The Board for Correction of Naval Records disapprove Staff Sergeant [REDACTED] request for removal of the sensitive medical documentation contained in his OMPF.

b. If the Board for Correction of Naval Records finds that Staff Sergeant [REDACTED] records are in error or an injustice was committed, approve the removal of the sensitive medical documentation contained in his OMPF.

6. Point of contact [REDACTED] at [REDACTED]

[REDACTED]

Director
Manpower Management Information
Systems Division