



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

BJG:kes  
Docket No. 07981-02  
18 August 2003

From: Chairman, Board for Correction of Naval Records  
To: Commandant, United States Marine Corps

Subj: [REDACTED] USMCR, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) Copy of report of proceedings of BCNR less  
enclosures

1. In accordance with reference (a), the Board for Correction of Naval Records has reviewed allegations of error and injustice in Subject's naval record.

2. The regulations approved by the Secretary of the Navy require that the naval record of Subject be changed, where appropriate, in accordance with the action of the Board.

3. The Board has advised Subject of the final decision in this case.

4. It is requested that this Board be furnished a copy of any correspondence relating to the enclosure; and that this letter and a copy of the enclosure be returned to the Board, together with any documentary material directed to be removed.

NOTE: SUBJECT'S COMMAND IS NOT TO INITIATE ACTION TO CORRECT THE FIELD SERVICE RECORD ON THE BASIS OF THIS COPY OF THE BOARD'S REPORT. AUTHORITY TO CORRECT THE RECORD WILL COME TO THE COMMAND DIRECTLY FROM CMC.

BRIAN J. GEORGE  
By direction

Enclosure



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

BJG  
Docket No: 7981-02  
18 August 2003

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: SG [REDACTED], USMCR (AR [REDACTED])  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

- Encl: (1) DD Forms 149 dtd 9 Sep 02 and 22 May 03, each w/atts, Subject's ltr of 7 Apr 03, and miscellaneous corresp from Subject
- (2) HQMC MIFD memo dtd 29 Jul 03
- (3) Memo for record dtd 12 Aug 03
- (4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing three page 11 ("Administrative Remarks (1070)") entries, dated 1 February 2000, 8 September 2000 and 25 January 2001, copies of which are in enclosure (1) at Tabs A through C, respectively.

2. The Board, consisting of Mses. Davies and Moidel and Mr. Zsalman, reviewed Petitioner's allegations of error and injustice on 14 August 2003, and pursuant to its regulations, determined that the limited corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Headquarters Marine Corps (HQMC) office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the contested entry dated 25 January 2001 should be removed, but that the remaining contested entries should stand. This opinion did not expressly address Petitioner's contention, regarding the contested entry of 8 September 2000, that his command did not make reasonable efforts at rehabilitation before he was relieved for inability to perform his duties.

c. The memorandum for the record at enclosure (3) documents that a member of the Board's staff contacted the chairperson of the HQMC Performance Evaluation Review Board to find out why the PERB had removed Petitioner's fitness report for 15 August 1999 to 30 June 2000. The memorandum further reflects the chairperson advised that the reasons were that Petitioner was an inexperienced sergeant when the report was written, that the report read more like a counseling statement than a fitness report, and that there appeared to have been a failure of leadership at Petitioner's command.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting partial relief, specifically, removal of the contested entry dated 25 January 2001. Specifically concerning the disputed entry dated 8 September 2000, the Board is unable to find Petitioner's command did not make reasonable efforts at rehabilitation before his relief for inability to perform his duties. In view of the above, the Board directs the following limited corrective action.

**RECOMMENDATION:**

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 25 January 2001 and his undated rebuttal. This is to be accomplished by physically removing the documents, or completely obliterating them so they cannot be read, rather than merely lining through them.


b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

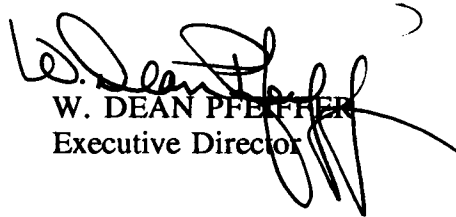
d. That the remainder of Petitioner's request be denied.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEFFER  
Executive Director



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

7481-02  
IN REPLY REFER TO:

1070  
MIFD  
29 JUL 2003

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

1. We reviewed Sergeant [REDACTED] application and supporting documents concerning his request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entries dated 000201, 000908, and 010125 from his service records.

2. MCO P1070.12, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 concerning 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 Corps Total Force System (MCTFS) record, and which will be useful to future commanders. 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."

3. One of the many leadership tools that commanders have 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. 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.

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

5. The following comments/opinions concerning the page 11 entries dated 000201 is provided:

a. The 000201 counseling entry does meet the elements of a proper page 11 counseling in that it lists deficiencies, recommendations for corrective action, available assistance, and states that Sergeant [REDACTED] was provided the opportunity to make a rebuttal statement. Additionally, the entry affords him an opportunity to annotate whether or not he chose to make such a statement and if made, a copy of the statement would be filed in the SRB. Sergeant [REDACTED] acknowledged the counseling entry by his signature and indicated his desire "to" make a statement in rebuttal that is included in his application.

b. Sergeant [REDACTED] claim that the page 11 counseling entry is in error or unjust because he was counseled by his SNCO on December 7, 1999 and then was required to take a "Nelson-Denny Reading test" during January 2000, is irrelevant. The event, counseling, did in fact occur and it is noted that this took place two months after his NCOIC completed his initial intervention. Also, Sergeant [REDACTED]'s rebuttal statement is somewhat confusing because he refers to deficiencies associated with his reading and comprehension problems that is not addressed by the entry.

6. The following comments/opinions concerning the page 11 entry dated 000908 is provided. The entry meets the requirements per the IRAM. Additionally, paragraph 1000.4 authorizes commanders to make entries on page 11 concerning matters that may reflect unfavorably upon a Marine's mental, moral, or professional qualifications. Also, paragraph 4006.2e states that the entry must include the statement the Marine was provided the opportunity to make a rebuttal statement and affords the Marine to make a statement or not to make a statement.

7. The following comments/opinions concerning the page 11 entry dated 010125 are provided:

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

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

his signature and indicated his desire "not to" make a statement in rebuttal, however, an undated statement in reference to the page 11 is included in his application.

b. Sergeant [REDACTED] claim that the page 11 counseling entry is in error or unjust "for not completing the PFT" is supported by documented evidence enclosed in his application, statements from Gunnery Sergeant [REDACTED] and Staff Sergeant [REDACTED]. Sergeant [REDACTED] does not dispute the fact that he was counseled, however, he does refute the fact that he was counseled for his actions, following the guidance of his supervisor concerning the PFT test, because he was told not to worry about it and that he could take the test when he returned from leave. It does appear that Sergeant [REDACTED] took the initiative by contacting his immediate supervisor concerning his inability to take the PFT test before departing on leave for twenty-five days.

8. Sergeant [REDACTED] commander followed established policies and procedures per the IRAM in preparing this entry. In view of the above, it is recommended that:

a. The Board for Correction of Naval Records grant partial relief to Sergeant [REDACTED] request and approve the removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 010125 from his records.

b. The Board for Correction of Naval Records disapprove Sergeant [REDACTED] request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entries dated 000201 and 000908 from his service records. If the Board for Correction of Naval Records finds that Sergeant [REDACTED] records are in error or an injustice was committed, remove these page 11 entries from his service records. Point of contact [REDACTED] at DSN: [REDACTED]

[REDACTED SIGNATURE]

Head, Field Support Branch  
Manpower Management Information  
Systems Support Division

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: 12AUG03

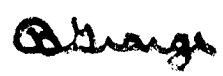
DOCKET NO [REDACTED]

PETITIONER (PET): S [REDACTED] SMCR (AR)

PARTY I CALLED: [REDACTED] HQMC PERB

WHAT I SAID: I ASKED DAHRIE WHY THE PERB REMOVED PET'S CONTESTED ADVERSE FITREP FOR 15AUG99-30JUN00.

WHAT PARTY SAID: [REDACTED] INFORMED ME THAT THE REASONS THE PERB REMOVED THE CONTESTED FITREP WERE: PET WAS AN INEXPERIENCED SGT WHEN THE REP WAS WRITTEN, THE FITREP READ MORE LIKE A COUNSELING STATEMENT, AND THAT THERE APPEARED TO BE A LEADERSHIP FAILURE AT PET'S COMMAND.



BRIAN J. GEORGE