



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

BJG
Docket No: 3823-03
15 September 2003

SGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear 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.

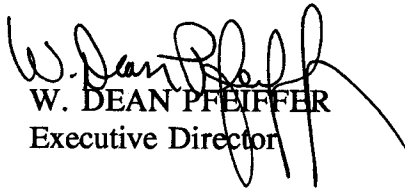
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 September 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 from Headquarters Marine Corps dated 13 June 2003, a copy of which is attached. The Board also considered your rebuttal letter dated 21 August 2003.

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, particularly the observation that the body fat composition standard did not take effect until 1 October 1997, after you had been placed on weight control. Your having been promoted to lance corporal while you were on weight control did not establish that you should not have been on weight control. Concerning the other contentions raised in your letter of 21 August 2003, the Board found they were based on unsupported allegations of fact. 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
13 JUN 2003

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

1. Corporal [REDACTED] application with supporting documents has been reviewed concerning her request for removal of the weight control entry dated 19970818 to 19980721 from her service records.

2. MCO 6100.10, Weight Control and Military Appearance, contains guidance in the assignment to the Marine Corps weight control and/or military appearance program. A commander must adhere to specific administrative procedures if a Marine has been determined to be overweight or their physical appearance does not meet acceptable Marine Corps standards. MCO P1080.40, Marine Corps Total Force System Personnel Reporting Instructions Manual (MCTFSPRIM) provides guidance in reporting weight control and/or military appearance information into the MCTFS.

3. The following comments/opinions are provided concerning the weight control entry.

a. Corporal [REDACTED] is required to receive a command directed medical evaluation from an appropriate credentialed health care provider (ACHCP) prior to her assignment to the weight control program per MCO 6100.10. Documented evidence provided in her application indicate that she was evaluated on or about August 20, 1997 while she was on the weight control program. There is no documentation to verify the reason why she was on the weight control program, yet her medical records indicate that she may have been a candidate for an alternate weight waiver. The ACHCP commented on her medical records he did not believe it was reasonable that she could lose weight due to her being a bodybuilder. However, the Marine Corps cancelled the alternate weight waiver program on 1 October 1997 and subsequent evaluations of Marines were changed to the height/weight ratio, body fat composition, and their latest physical fitness test results. The information recorded to her MCTFS and medical records supports her commander's action that appears to have followed appropriate administrative procedures when she was assigned to the weight control program on 19970818.

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

b. Assignment to the weight control program is for a maximum period of six months. If a Marine is making satisfactory progress but has not successfully met the weight loss requirement, the commander can grant an extension for another six months. Corporal [REDACTED]'s initial assignment to the weight control program was extended to 19980721 at which time she was removed from the program.

c. Corporal [REDACTED] claims that her records are in error and an injustice was committed because she believes "there is no justification" for her assignment to the weight control program on 19970818 and that "the medical assessment for this assignment states that it was not reasonable for SNM to lose weight." is irrelevant. The documented evidence from the medical clinic she presents in her application was dated 20 August 1997, two days after she was initially assigned to the weight control program. Additionally, she claims that since there is not a page 11 entry concerning this assignment, she could not be officially assigned to the program. The requirement for a page 11 entry does not exist in MCO P1070.12 (IRAM) nor MCO 6100.10. If a Marine fails to successfully meet the weight loss requirements while assigned to the weight control program, a page 11 counseling entry per paragraph 6105 of MCO P1900.16 would be required.

4. On 1 October 1997, the alternate weight waiver allowance was terminated and the Marine Corps Weight Control and Military Appearance Program shifted the focus from height/weight standards to body fat measurements to eliminate program inconsistencies due to local interpretation and implementation. This change also assisted commanders by reducing time and manpower associated with the administration and operation of the weight control program. Documentation to support Corporal [REDACTED]'s assignment to the weight control program on 19970818 is no longer available. It may be possible that an entry was entered in her medical records to support her initial assignment, however such documentation is not available in her application. When she visited the health clinic on or about 20 August 1997, there was no comment concerning her initial assignment was not in compliance with appropriate administrative procedures. Captain [REDACTED] could have been obligated to make a comment concerning her improper assignment to the program.

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[REDACTED] USMC

5. In view of the above, it is recommended that the Board for Correction of Naval Records disapprove Corporal [REDACTED] request for removal of the weight control entry from her service records. If the Board for Correction of Naval Records finds that her records are in error or an injustice was committed, approve the removal of the entry from her service records. Point of contact is Mr. [REDACTED] at E [REDACTED]

[REDACTED]

Director
Manpower Management Information
Systems Division