



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

BJG  
Docket No: 5034-03  
8 September 2003

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

Subj: SGT [REDACTED], USM [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 12 Jun 03 w/attachment  
(2) HQMC MIFD memo dtd 6 Aug 03  
(3) 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 the service record page 11b ("Administrative Remarks (1070)") entry dated 8 November 2000. A copy of this entry is at Tab A to enclosure (1).

2. The Board, consisting of Mses. Gilbert and Nofziger and Mr. Grover, reviewed Petitioner's allegations of error and injustice on 5 September 2003, and pursuant to its regulations, determined that the 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. The page 11b on which the contested entry appears also includes uncontested entries.

c. In correspondence attached as enclosure (2), the HQMC office having cognizance over the subject matter of Petitioner's request has commented to the effect that this request has merit and warrants favorable action.

**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 the following corrective action.

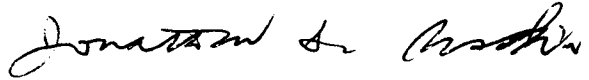
**RECOMMENDATION:**

a. That Petitioner's record be corrected by removing the service record page 11b ("Administrative Remarks (1070)") entry dated 8 November 2000. This is to be accomplished by reconstructing the page 11b on which the entry appears, or by completely obliterating it so it cannot be read, rather than merely lining through it.

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.

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.



JONATHAN S. RUSKIN  
Acting Recorder

ROBERT D. ZSALMAN  
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 PFEIFFER  
Executive Director



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

IN REPLY REFER TO:

1070  
MIFD  
6 AUG 2003

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

1. Sergeant [REDACTED]'s application with supporting documents concerning his request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 001108 from his service records has been reviewed.
  
2. MCO P1070.12K, 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 which will be useful to future commanders. 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 entry counseling entry per the IRAM. The Marine Corps Separation Manual, 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.
  
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 increase unit readiness and effectiveness.
  
  - c. Enhance the leader's ability to improve the junior's performance."

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

4. The following comments/opinions concerning the page 11 entry is 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 Sergeant [REDACTED] was provided the opportunity to make a rebuttal statement. Additionally, Sergeant [REDACTED] must annotate whether or not he chooses to make such a statement and if made, a copy of the statement is filed in the SRB. Sergeant [REDACTED] acknowledged the counseling entry by his signature and further chose "to" make a statement in rebuttal, however, he has not been able to locate the statement.

b. Sergeant [REDACTED] provides documentation in support of his claim that this page 11 entry is in error and an injustice has occurred. This documentation shows he has a history of chin splint injuries. Also a review of his fitness reports during this period depicts Sergeant [REDACTED] maintained an average physical fitness test (PFT) score of 221 out of a possible 300. In this particular case, he had completed a 30 day medical light duty period that specifically precluded him from participating in any physical training due to shin splints, to include running, and the statement from Gunnery Sergeant [REDACTED] corroborates the physical limitations Sergeant [REDACTED] claims he was experiencing. As stated in paragraph 2 above, counseling is a leadership tool commanders have to improve their Marines' performance, however, Sergeant [REDACTED] had a physical deficiency that was associated with his medical condition, a shin splint injury, that appears not to be a performance deficiency.

5. In view of the above, it is recommended that the Board for Correction of Naval Records approve Sergeant [REDACTED] request for removal of the Administrative Remarks (1070), NAVMC 118(11), page 11 entry dated 901023 from his service records. Point of contact is [REDACTED]

[REDACTED]

Head, Field Support Branch  
Manpower Management Information  
Systems Support Division