



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

JSR

Docket No. 10092-08

29 May 2009

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Forms 149 dtd 6 Oct 08 w/attachments  
and 22 Oct 08 (four) each w/ attachments  
(2) HQMC MIO memo dtd 19 Mar 09  
(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 all five entries from the same service record page 11 ("Administrative Remarks (1070)"): undated referencing training on 9 February 2004, dated 1 July 2005, undated referencing the May Fiscal Year 2005 promotion period, and two dated 17 August 2005. She further requested removing the page 11(a) entry dated 26 June 2008. Copies of the pages 11 and 11(a) on which the contested entries appear are at Tabs A and B, respectively.

2. The Board, consisting of Ms. Willis and Messrs. Bowen and Ivins, reviewed Petitioner's allegations of error and injustice on 29 May 2009, 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. In correspondence attached as enclosure (2), the Headquarters Marine Corps office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that removal of the undated page 11 entry referencing training on 9 February 2004 and the page 11(a) entry dated 26 June 2008 is warranted because these entries were not signed by the commanding officer, but that the remaining entries should stand because a page 11 entry is required when a Marine is not recommended for promotion. Concerning these remaining entries, Petitioner contends she does not fall within restriction guidelines mandating a recommendation against promotion; and with respect to the two entries dated 17 August 2005, she also objects that they were done on the same day but related to different promotion periods.

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 error warranting partial relief, specifically, removal of the undated page 11 entry referencing training on 9 February 2004 and the page 11(a) entry dated 26 June 2008. The Board finds the remaining entries should stand as a recommendation against promotion may be made when it is not mandated, and it is unobjectionable for entries relating to different promotion periods to be prepared on the same date. 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 undated service record page 11 ("Administrative Remarks (1070)") entry referencing training on 9 February 2004. This is to be accomplished by reconstructing the page 11 on which the entry appears, or completely obliterating the entry so it cannot be read, rather than merely lining through the entry.

b. That her record be corrected further by removing the service record page 11(a) ("Administrative Remarks (1070)") entry dated 26 June 2008. This is to be accomplished by physically removing the page 11(a) on which the entry appears, or completely obliterating the entry so it cannot be read, rather than merely lining through the entry.

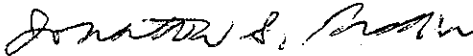
c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. 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.


e. 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.

  
For W. DEAN PFEIFFER  
Executive Director