



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

BJG  
Docket No: 2283-09  
25 November 2009

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 11 Mar 09 w/attachments  
(2) HQMC MIO dtd 9 Apr 09 w/encls  
(3) HQMC MPR-2 memo dtd 1 May 09  
(4) Subj's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by removing the weight control entry for 24 January 2007 to 00000000; changing the "Proficiency"/"Conduct" marks for 31 July 2007, 31 January 2008 and 31 July 2008; and removing the lined through undated service record page 11 ("Administrative Remarks (1070)") entry and the page 11 entry dated 25 March 2007. Copies of the contested matters are at Tab A to enclosure (1). Finally, he requested remedial consideration for promotion to sergeant.

2. The Board, consisting of Ms. Colbert and McCormick and Mr. Vogt, reviewed allegations of error and injustice on 24 November 2009, and pursuant to its regulations, determined that limited relief should be granted. 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. Except as indicated in paragraph 3.c below, before applying to this Board, Petitioner exhausted all administrative remedies which were available under existing law and regulations within the Department of the Navy.

b. In enclosure (2), the Headquarters Marine Corps (HQMC) Manpower Information Operations, Manpower Management Information Systems Division (MIO) has commented to the effect that Petitioner's request regarding the weight control entry, "Proficiency"/"Conduct" marks and page 11 entries has merit and warrants partial approval. Specifically, MIO recommended removing the weight control entry, removing the contested "Conduct" marks and replacing them with entries of "NA" (not applicable), and removing the page 11 entries.

c. In enclosure (3), the HQMC Enlisted Promotion Section has indicated that Petitioner's request for remedial consideration for promotion should be submitted to that office from the Commander, Mobilization Command, Kansas City, Missouri.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (2), the Board finds the existence of an error and injustice warranting the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing from the Marine Corps Total Force System (MCTFS) the weight control entry from 24 January 2007 to 00000000.

b. That his record be corrected further by removing from MCTFS the "Conduct" marks for 31 July 2007, 31 January 2008 and 31 July 2008 and replacing them with entries of "NA."

c. That his record be corrected further by removing the undated lined through service record page 11 ("Administrative Remarks (1070)") entry. This is to be accomplished by physically removing the page 11 on which both this entry and the contested entry dated 25 March 2007 appear, or completely obliterating the entry so it cannot be read.

d. That his record be corrected further by removing the page 11 entry dated 25 March 2007. This is to be accomplished by physically removing the page 11 on which both this entry and the contested undated lined through entry appear, or completely obliterating the entry so it cannot be read, rather than merely lining through it.

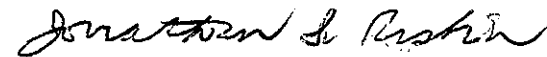
e. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

f. 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.

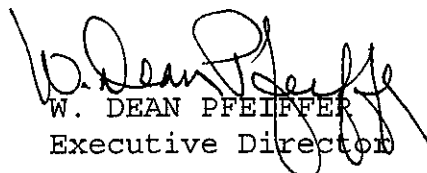
g. That Petitioner's request to change "Proficiency" marks be denied.

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 PFEIFFER  
Executive Director