



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

BJG  
Docket No: 726-11  
15 August 2011

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

Subj: EX-SSGT [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 18 Jan 11 w/atchs, Subject's ltr dtd  
20 Jul 11 w/encls and Cong ltr dtd 9 Mar 11 w/encl  
(2) HQMC MIO memos dtd 7 Apr, 21 Jun and 26 Jul 11  
(3) Subject'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 service record page 11 ("Administrative Remarks (1070)") entries dated 30 December 2008 with rebuttal dated 10 January 2009, 15 June 2009 with rebuttal dated 22 June 2009, 6 December 2009 with rebuttal dated 11 December 2009 and 2 March 2011 with rebuttal dated 4 March 2011, copies of which are at Tab A.

2. The Board, consisting of Mses. Guill and Siler and Mr. Chapman, reviewed Petitioner's allegations of error and injustice on 11 August 2011, 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 the 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 office with cognizance over the subject matter of this case has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION:

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

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entries dated 30 December 2008 with rebuttal dated 10 January 2009, 15 June 2009 with rebuttal dated 22 June 2009, 6 December 2009 with rebuttal dated 11 December 2009 and 2 March 2011 with rebuttal dated 4 March 2011. This is to be accomplished by physically removing the page 11's on which the entries appear and the rebuttals, or completely obliterating the entries and rebuttals so they cannot be read, rather than merely lining through them.

b. That the fitness report for 1 October 2008 to 10 March 2009, dated 10 June 2009 and signed by [REDACTED] USMC, be modified by removing all references to the removed page 11 entry dated 30 December 2008, to include the following:

- (1) Page 4, "Justification" for mark in "Judgement[sic]: item G(3)": Remove "a page 11 on 12 [sic] December 2008 and".
- (2) Section I (reporting senior's "Directed and Additional Comments"):
  - (a) Directed Comment, Sect[ion] A, item 5a: Remove "and 1 page 11 (20081230)".
  - (b) Remove ", and received a page 11 on his professionalism and anger management issues".
- (3) Addendum Page - MRO [Marine reported on] statement dated 11 June 2009: Remove the following:
  - (a) ", a page 11 entry,".
  - (b) My actions were unacceptable (raised voice, stormed out of the building) at Edwards Federal

Credit Union on 8 Dec 2008. I became upset with the personnel at EFCU for requiring me to fill out paperwork for a transaction, converting cash to check (this had never been required before). On 6 & 7 Dec 2008 there numerous events that the unit needed Marines to attend; toys needed collecting & distributing and much work needed to be accomplished. There were 200+ Active & Reserve Marines on deck during the two days Toys for Tots received help from 5 reservists for a total of 6 hours. I was overstressed on Monday morning because I felt I received a lack of support from the command during the previous two days which carried over to Monday morning & should not have. I have apologized to the personnel at EFCU. Whatever the mitigating circumstances were, I had no excuse for losing my bearing at EFCU. According to the page 11, this incident occurred on 5 Dec 2008. The page 11 was written on 20081230 & I was not counseled about the page 11 until 20090107 (31 days later).

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.


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*  
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