



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

JSR
Docket No. 05015-11
15 September 2011

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 Form 149 dtd 7 Jan 11 w/attachments
(2) HQMC MMER/PERB memo dtd 22 Apr 11
(3) HQMC MIO memo dtd 8 Jul 11
(4) 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 fitness reports for 10 April to 31 October 2007 (copy at Tab A) and 1 November 2007 to 3 February 2008 (copy at Tab B), the service record page 11(L) ("Administrative Remarks (1070)") entry dated 29 October 2007 (copy at Tab C) and the service record page 11(M) entry dated 11 January 2008 (copy at Tab D).

2. The Board, consisting of Mses. Guill and Siler and Mr. Silberman, reviewed Petitioner's allegations of error and injustice on 15 September 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 this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In enclosure (2), the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board commented to the effect that Petitioner's request should be denied.

c. In enclosure (3), the HQMC office having cognizance over page 11 entries has commented to the effect that the contested page 11(L) entry dated 29 October 2007 should be removed, as it references violations of the Uniform Code of Military Justice that should have been the subject of disciplinary action, but that the page 11(M) entry dated 11 January 2008 should stand.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an error warranting the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11(L) entry dated 29 October 2007. This is to be accomplished by physically removing the page 11(L) on which the entry appears, or completely obliterating the entry so it cannot be read, rather than merely lining through it.

b. That his record be corrected further by modifying as follows the fitness report for 10 April to 31 October 2007, dated 12 May 2008 and signed [REDACTED] USMC:

- (1) Section I (reporting senior's "Directed and Additional Comments"): Remove "a page 11 entry" and replace with "counseling."
- (2) Addendum Page 1 (MRO (Marine reported on) statement): Remove "a negative page 11" and replace with "counseling."

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.

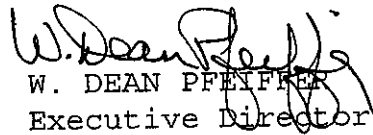
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



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