



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JSR

Docket No. 2280-12

3 October 2012

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 (2) each dtd 11 Feb 12 w/attachments
 - (2) Subject's e-mail dtd 23 Aug 12 and 24 Aug 12 w/attachment
 - (3) HQMC JAM-2 memo dtd 29 Mar 12
 - (4) HQMC MIQ memo dtd 12 Apr 12
 - (5) MCRC memo dtd 23 May 12
 - (6) Subject's ltr dtd 2 Oct 12
 - (7) Copies of Subject's removed fitrepts for 23 Apr-31 Dec 10 and 1 Jan-10 Jul 11
 - (8) HQMC MMER e-mail dtd 5 Mar 12
 - (9) HQMC JAM memo dtd 29 Aug 12
 - (10) MCRC memo dtd 21 Sep 12
 - (11) Dir, IPAC ltr dtd 30 Aug 12 w/1st end from MCRC dtd 11 Sep 12
 - (12) 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 11 ("Administrative Remarks (1070)") entry dated 30 March 2009, a copy of which is at Tab A. He further requested setting aside his relief for cause (RFC) from recruiting duty, requested by letter of 9 August 2010 (copy in enclosure (1)), removing documentation of the RFC from the Total Force Retention System (TFRS), and awarding him special duty assignment (SDA) pay for 21 July 2010 to 13 June 2011. Finally, he impliedly requested restoring his 8411 (recruiter) additional military occupational specialty (AMOS) and removing, from his Marine Corps Total Force System (MCTFS) data, draw case code "AO" (relieved for cause

from special duty). Enclosure (2) shows that the "AO" draw case code has been removed from Petitioner's MCTFS data.

2. The Board, consisting of Messrs. Gorenflo, Grover and Midboe, reviewed Petitioner's allegations of error and injustice on 3 October 2012, 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 enclosures (3), (4) and (5), the Headquarters Marine Corps (HQMC) and Marine Corps Recruiting Command (MCRC) offices with cognizance over the subject matter of Petitioner's request to remove the page 11 entry have commented to the effect that this request should be denied. Enclosure (6) is Petitioner's reply, to the effect that he did not deserve the entry.

c. As shown in enclosure (1), the HQMC Performance Evaluation Review Board (PERB) has directed removing Petitioner's fitness reports for 23 April to 31 December 2010 and 1 January to 10 July 2011. Copies of these reports are at enclosure (7). Enclosure (8) provides the basis for the PERB action. Petitioner cites the PERB action to support his request regarding his RFC.

d. In enclosures (9) and (10), the HQMC and MCRC offices with cognizance over the subject matter of Petitioner's request regarding his RFC have commented to the effect that this request has merit and warrants favorable action.

e. In enclosure (11), MCRC recommends approving Petitioner's request to remove documentation of his RFC from the TFRS.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (8), (9) and (10), the Board

finds an injustice warranting partial relief, specifically, that which Petitioner requested regarding the RFC. The Board concurs with enclosures (3), (4), (5) in finding that the contested page 11 entry should stand. In view of the above, the Board directs the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to reflect that he was not relieved for cause from recruiting duty.

b. That his record be corrected further to restore his AMOS of 8411.

c. That his record be corrected further to show his entitlement to SDA pay for 21 July 2010 to 13 June 2011.

d. That his TFRS data be corrected by removing all documentation of his RFC.

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 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
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