



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

SM

JSR

Docket No. NR3743-13

13 March 2014

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

Subj: SSGT [REDACTED], USMC, [REDACTED]
REVIEW OF NAVAL RECORD

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

- Encl: (1) DD Form 149 dtd 25 Sep 12 w/attachments
(2) HQMC MMER/PERB memo dtd 3 Apr 13
(3) HQMC MMER e-mail dtd 4 Jun 13
(4) HQMC JAM2 memo dtd 31 Jul 13
(5) HQMC MIQ memo dtd 19 Aug 13
(6) HQMC JAM2 memo dtd 23 Oct 13
(7) HQMC MIQ memo dtd 20 Nov 13
(8) 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 report for 1 January to 15 August 2011 (copy at Tab A). Enclosure (2) reflects that the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) has directed removing this report. Petitioner further requested removing the service record page 11(A) ("Administrative Remarks (1070)") entry dated 18 December 2010 (copy at Tab B) and the page 11(b) entry dated 10 August 2011 with his rebuttal dated 15 August 2011 (copies at Tab C). Finally, by implication, he also requested removing the page 11 entry dated 3 August 2011.

2. The Board, consisting of Ms. Lapinski and Messrs. Gorenflo and Hicks, reviewed Petitioner's allegations of error and injustice on 13 March 2014, 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. Enclosure (3) shows the basis for the PERB action.

c. In correspondence attached as enclosures (4) and (5), the HQMC offices having cognizance over the subject matter of Petitioner's request to remove page 11 entries has commented to the effect that the page 11(A) entry dated 18 December 2010 should stand, but that the page 11(b) entry dated 10 August 2011 should be removed. In enclosures (6) and (7), those offices commented to the effect that the entry dated 3 August 2011 should stand.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (4) through (7), 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(b) ("Administrative Remarks (1070)") entry dated 10 August 2011 and his rebuttal dated 15 August 2011. This is to be accomplished by physically removing the page 11(b) on which the entry appears and the rebuttal, or completely obliterating the entry and rebuttal so they cannot be read, rather than merely lining through them.

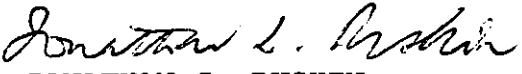
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. 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.

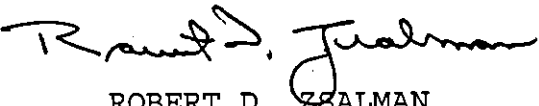
d. That the remainder of Petitioner's request be denied.

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.


ROBERT D. ZSALMAN
Acting Executive Director