



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

TJR  
Docket No: 1275-14  
16 June 2014

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary with attachments  
(3) Subject's naval record/CD  
(4) HQMC Manpower Information Quality Assurance, Manpower Information Systems Division (MIQ) memo dated 22MAY14

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his record be corrected by removing derogatory material, specifically, an administrative remarks (page 11) entry dated 6 January 2009 which incorrectly reflects that he was issued a traffic citation for failure to obey a stop sign.

2. The Board, consisting of Mr. Bey, Mr. Hedrick, and Ms. Wilcher, reviewed Petitioner's allegations of error and injustice on 10 June 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. In addition, the Board considered the advisory opinion (AO) provided by the HQMC MIQ, a copy of which is attached as enclosure (4).

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 (1) was filed in a timely manner.

c. Petitioner's record contains a page 11 entry dated 6 January 2009 which reflects, in part, that he received counselling for failure to report a traffic citation that he received for failing to stop at a stop sign. Following an investigation into this and other similar matters, his commanding officer subsequently learned that the citation was not issued to him, but to his spouse. Nonetheless, the page 11 remained in his record. In this regard, the commanding officer submitted a letter recommending that the page 11 be removed from the record.

d. In the AO from HQMC MIQ (enclosure (4)), it was recommended that the page 11 entry be removed from all records, (i.e., Marine Corps Total Force System (MCTFS), Official Military Personnel File (OMPF), and Electronic Service Record (ESR)) because the unreported traffic violation was not committed by Petitioner, but by his wife. The AO also notes the favorable recommendation of the commanding officer who issued the entry to have it removed from the record.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the AO and the recommendation of the commanding officer who issued the page 11 entry, the Board finds the existence of an error and injustice warranting corrective action. In this regard, the Board concludes that the page 11 was incorrectly written and filed and should be removed from all records, to include the OMPF, MCTFS, and ESR. In view of the foregoing, the Board directs the following corrective action.

#### RECOMMENDATION:

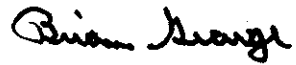
a. That Petitioner's naval record be corrected by removing the administrative remarks (page 11) entry dated 6 January 2009.

b. That any and all 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.

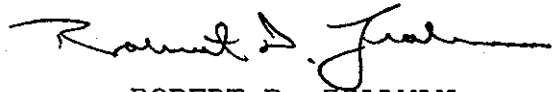
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross-reference being made a part of Petitioner's naval record.

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

  
BRIAN J. GEORGE  
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 Regulation, 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