



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

BJG  
Docket No: 4816-02  
12 September 2002

CAPT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Captain [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 September 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 11 July 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They noted that you provided no statement from the first sergeant who, according to the captain's statement of 3 December 1991, was present at the pertinent time and felt the contested entry "was given unfairly." In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

4816-02

IN REPLY REFER TO:  
1070  
MIFD  
11 JUL 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF CAPTAIN [REDACTED]  
[REDACTED] USMC

1. Captain [REDACTED] application with supporting documents has been reviewed concerning his request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 901103 from his service records.
2. MCO P1070.12F, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 that are essential to document an event in a Marine's career for which no other means or method of recording exists. Authorized entries under this rule must meet two tests: (1) the information contained in the entry is of permanent value to the Marine's career; and, (2) the information is not, or cannot be, documented anywhere else in the service record, medical records, or the Marine's automated record.
3. One of the many leadership tools that a commander has at their disposal is counseling and rehabilitation for their Marines. The Marine Corps Separation Manual, paragraph 6105, sets forth policy pertaining to counseling and rehabilitation. Marine Corps policy is that reasonable efforts at rehabilitation should be made and that the commander is authorized to document those efforts by a page 11 counseling entry per the IRAM.
4. MCO 1610.12, the U.S. Marine Corps Counseling Program states that:
  - a. "Counseling is that part of leadership which ensures, by mutual understanding, that the efforts of leaders and their Marines are continuously directed toward increased unit readiness and effective individual performance.
  - b. Increase individual performance and productivity through counseling and thereby increases unit readiness and effectiveness.
  - c. Counseling enhances the leader's ability to improve the junior's performance."
5. MCO P1400.32A, the Marine Corps Promotion Manual, Volume 2, Enlisted Promotions (MARCORPROMAN, Vol 2, ENLPROM), provides guidance and policy concerning the enlisted promotion system.

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Marines are required to exercise in an ever-increasing degree the qualities of maturity, leadership, and professionalism. Consequently, no Marine should be promoted to Corporal or Sergeant who has not positively demonstrated the potential, motivation, and maturity to satisfactorily discharge the duties of a small unit leader. Chapter 1 specifically states that enlisted Marines will be selected and promoted as directed by the Commandant of the Marine Corps (CMC) per the instructions contained in this Manual and other separate implementing directives. The CMC has designated commanders to whom have been delegated the authority to promote enlisted Marines to the grades of Private First Class through Sergeant.

6. The following comments/opinions concerning the page 11 entry are provided:

a. Paragraph 4013.3p of the IRAM authorizes the preparation of the page 11 entry when a Marine is eligible but not recommended for promotion. A proper page 11 entry must contain the grade the Marine was eligible for promotion to, the month and year of the promotion period, and state the reason(s) for not being recommended. Additionally, the entry must include the statement that the Marine had the opportunity to submit a rebuttal statement and afford the Marine an opportunity to annotate whether or not they chose to do so. The Marine and the Marine's unit commander will then jointly sign this entry.

b. The page 11 entry is missing one element of the authorized entry per the IRAM, the unit commander's signature. However, this single element would not negate the entry. The signature of Captain [REDACTED] indicates that he did acknowledge that the event, counseling concerning him not being recommended for promotion to Corporal, did in fact occur per MCO P1400.31A.

c. Captain [REDACTED] acknowledged the page 11 entry by his signature and indicated his desire "not to" make a statement in rebuttal. The decision he made at that time, not to make a statement in rebuttal, was a missed opportunity he was afforded to refute the contents of the entry.

d. Captain [REDACTED] does not refute the contents of the page 11 entry in his application for records correction.

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e. Captain [REDACTED] does provide an undated document from Captain [REDACTED] that briefly references events surrounding the page 11 entry. This document was prepared after a telephone conversation that took place on 911202, approximately one month after the page 11 entry. What Captain [REDACTED] appears to be providing is character information of Captain [REDACTED] surrounding the events of the page 11 entry to an officer recruiting office to support then Corporal [REDACTED]'s application for commissioning to the officer corps. However, of concern is the statement in the last paragraph where Captain [REDACTED] writes as the first sentence: "No one in a Company leadership position remains in Company F(-) who might be able to shed some light on this situation.". This appears to indicate that everyone, including the unit commander, the single source of authority as identified in paragraph 5 above, was not available to change or correct the decision made when this page 11 entry was prepared.

f. Captain [REDACTED] was promoted to Corporal in the very next promotion period and subsequently was accepted to receive a commission as a Marine Corps officer.

g. The validity of the page 11 entry could be challenged based upon the requirement that the commander conducting the counseling was required to jointly sign the entry. However, this appears to be an administrative oversight by the unit and Captain [REDACTED] did get promoted to Corporal the following promotion and also received a commission to the officer corps.

7. In view of the above, it is recommended that:

a. The Board for Correction of Naval Records disapprove Captain [REDACTED] request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 901103 from his service records.

b. If the Board for Correction of Naval Records finds that Captain [REDACTED] records are in error or an injustice was committed, approve the removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 901103 from his service records.

8. Point of contact [REDACTED] at DS [REDACTED]

[REDACTED]

Head, Manpower Information  
Systems Field Support Branch,  
Manpower Management Information  
Systems Division