



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

BJG
Docket No: 5704-02
20 August 2002

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

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

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

Encl: (1) DD Form 149 dtd 4 Jun 02 w/attachments
(2) HQMC MIFD memo dtd 6 Aug 02
(3) 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)") entries dated 6 October, 3 November, and 1 December 1997. A copy of the page 11 on which these entries appear is at Tab A to enclosure (1).

2. The Board, consisting of Ms. Humberd and Suiter and Mr. Lippolis, reviewed Petitioner's allegations of error and injustice on 15 August 2002, 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. The page 11 on which the contested entries appear also includes uncontested entries.

c. In correspondence attached as enclosure (2), the Headquarters Marine Corps office having cognizance over the subject matter of Petitioner's request has commented to the effect that this request has merit and warrants favorable action.

CONCLUSION:

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

RECOMMENDATION:

- a. That Petitioner's record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entries dated 6 October, 3 November, and 1 December 1997. This is to be accomplished by reconstructing the page 11 on which the entries appear, or completely obliterating them so they cannot be read, rather than merely drawing a line 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.
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.

W. Dean Pfeiffer
W. DEAN PFEIFFER
Executive Director



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

IN REPLY REFER TO:

1070
" MIFD
6 AUG 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

1. Sergeant [REDACTED] application with the supporting document has been reviewed concerning his request for removal of three Administrative Remarks (1070) NAVMC 118(11) page 11 entries dated 971001, 971103, and 971201 from his service records.
2. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make Service Record Book (SRB) 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 elsewhere in the SRB or the Marine's automated record, and which will be useful to future commanders.
3. Paragraph 1204.3 of MCO P1400.32C, Marine Corps Promotion Manual, Volume 2, Enlisted Promotions, provides guidance to commanders and lists restriction categories that prohibit Marines from being promoted.
4. The following comments/opinions concerning the page 11 entries are provided:
 - a. These page 11 entries meet the elements of a proper page 11 entry per paragraph 4010.3n of the IRAM. A page 11 entry is required when a Marine is not recommended for promotion due to a restriction per paragraph 1204.3 of MCO P1400.32.
 - b. Sergeant [REDACTED] acknowledged the entries by his signature and indicated his desire "not to" make a statement in rebuttal.
 - c. Sergeant [REDACTED] provides documented evidence to support his claim that these page 11 entries are unjust because the contents of these entries appear to refer to a civil criminal action in the Court of Common Pleas of Bradford County, Pennsylvania that was subsequently dismissed on 24 March 1998.

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

5. In view of the above, it is recommended that the Board for Correction of Naval Records approve Sergeant [REDACTED]'s request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entries dated 971001, 971103, and 971201 from his service records. Further comments/opinions/recommendations concerning the promotion issue are deferred to the MMPR Branch.

6. Point of contact is [REDACTED] at DSN: [REDACTED]

[REDACTED]

P [REDACTED]
Director
Manpower Management Information
Systems Division