



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

BJG
Docket No: 6140-02
4 September 2002

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 9 Jul 02 w/attachments
(2) HQMC MIFD memo dtd 16 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 11a ("Administrative Remarks (1070)") entry dated 12 July 1999.
2. The Board, consisting of Messrs. Geisler and Kim and Ms. LeBlanc, reviewed Petitioner's allegations of error and injustice on 29 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 11a on which the contested entry appears also includes other uncontested entries.
 - c. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the 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 naval record be corrected by removing the service record page 11a ("Administrative Remarks (1070)") entry dated 12 July 1999. This is to be accomplished by reconstructing the page 11a on which the entry appears, or completely obliterating it so it cannot be read, rather than merely drawing a line through it.

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
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6140-02

IN REPLY REFER TO:

1070

MIFD

16 AUG 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

1. We reviewed Staff Sergeant [REDACTED]'s application and supporting documents concerning his request for removal of the page 11 entry dated 990712 from his service records.
2. MCO P1070.12J, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 which are considered matters forming an essential and permanent part of a Marine's military history, which are not recorded elsewhere in the Service Record Book (SRB) or the Marine's automated record.
3. MCO P1040.31H, Enlisted Career Planning and Retention Manual, contains the guidance concerning the conduct of the career planning program. MCO P1900.16E, Marine Corps Separation and Retirement Manual (MARCORSEPMAN), Appendix J, lists the Reenlistment Codes that are used in recording reenlistment eligibility on Marines separating from the Marine Corps.
4. The following comments/opinions concerning the page 11 entry dated 990712 are provided:
 - a. The page 11 entry is an authorized entry listed in paragraph 4010.3 of the IRAM. The IRAM, referring to MCO P1040.31, states that when Marines are not recommended, or recommended but not eligible for reenlistment, they must be counseled by their commanding officer and that the entry will be signed by both the Marine and his/her commander.
 - b. Paragraph 4101 of MCO P1040.31 places emphasis on the dialogue between the command and Headquarters, U. S. Marine Corps (HQMC) when a Marine desires additional service. Of greater significance is the commander's recommendation that plays a crucial role in the reenlistment decision. Since all requests for further service must be submitted to HQMC for final disposition, it should contain the commander's recommendation, indicating the reason(s) the Marine is not recommended for further service to ensure assignment of an appropriate reenlistment eligibility code.

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

However, there is no documentation available to determine that HQMC declined Staff Sergeant [REDACTED]'s request for further service and assigned him a RE-3C reenlistment code per the MARCORSEPMAN. Furthermore, if he was declined additional service by HQMC, he would not have been authorized to reenlist on 29 December 1999.

c. When a Marine is not recommended for further service, a commander is required to counsel that Marine and document the event by preparing a page 11 entry per the IRAM and MCO P1040.31. However, this page 11 entry was not authenticated by the commander and contains a reenlistment code that should have been assigned by HQMC.

5. In view of the above, it is recommended that the Board for Correction of Naval Records approve Staff Sergeant [REDACTED]'s request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 990712 from his service records.

6. Point of contact [REDACTED]

[REDACTED SIGNATURE]

Manpower Management Information Systems Support Division