



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

BJG  
Docket No: 8072-02  
15 November 2002

SSC [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear Staff Sergeant [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 15 November 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 report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 13 September 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 report of the PERB. While it may be correct that medical personnel measured your body fat as within standards, this would not establish that you were, in fact, within standards. In this regard, you offered nothing to establish that the medical personnel who measured you did so properly. 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

IN REPLY REFER TO:  
1610  
MMER/PERB  
SEP 13 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF  
SERGEANT [REDACTED] SMC

Ref: (a) SSgt [REDACTED] DD Form 149 of 9 Apr 02  
(b) MCO P1610.7E  
(c) MCO 6100.10B  
(d) MCO 6100.3J

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 11 September 2002 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 981201 to 990607 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends his body fat percentage was not assessed per the procedures outlined in reference (c) and that he did not receive a proper screening by the Battalion Aide Station. To support his appeal, the petitioner provides his own statement and a letter from the Reporting Senior of record, Captain [REDACTED]

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. As stipulated in reference (d), company commanders will establish weight control procedures and administer the program that complies with that directive. The Order does not require medical personnel to either monitor or conduct command weigh-ins or body fat "taping" as this is a commander's function.

b. The petitioner was found to be 229 pounds the day of the weigh-in and 20 pounds over the maximum weight standards for his height (73"). He was also not within established Marine Corps height/weight standards since he was over the allowable body fat percentage (21%). The report at issue reflects the petitioner's height, weight, and body fat as 73", 227 pounds, and 19%,

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respectively (over Marine Corps standards). We note the petitioner is not contesting the accuracy of the recorded information, but merely the method by which it was obtained.

c. The Reporting Senior's evaluation of the petitioner appears to be accurate and in full compliance with reference (b). Subparagraph 4003.8f(3) of that directive, quoted verbatim, states: "If the body fat percentage reported is 19 percent or higher for male MROs, the report is adverse unless Section I reflects that an appropriately credentialed health care provider diagnosed the individual's condition to be the result of an underlying or associated disease process." In the case, the Reporting Senior clearly stated the petitioner was placed on weight control on 14 April 1999. Advocacy correspondence from Captain [REDACTED] notwithstanding, there is no proof the petitioner's placement on the Weight Control Program was improper or in violation of reference (c). In fact, the Adverse Sighting Officer (Lieutenant Colonel [REDACTED]) specifically mentioned the weight issue and indicated there had been "strict compliance" with reference (d).

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Staff Sergeant [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps