



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

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BJG  
Docket No: 4596-03  
5 September 2003

SSGT [REDACTED] USMC  
[REDACTED]  
[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 5 September 2003. 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 7 July 2003, 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. Your wife's statement of 12 May 2003, to the effect she made a false report that you had assaulted her, did not persuade the Board that the contested entry was incorrect in stating you were involved in an assault on your wife. 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:

1070  
- MIFD  
7 JUL 2003

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

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

1. Staff Sergeant [REDACTED] application with supporting documents requesting removal of an Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 990629 from his service records has been reviewed.

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, and which will be useful to future commanders. MCO P1752.3, Marine Corps Family Advocacy Program Standing Operating Procedures (FAP SOP) contains policies, procedures, and guidance for the operation of the Marine Corps FAP. Additionally, it authorizes a commander to effect corrective actions per recommendations of the FAP Case Review Committee (CRC).

3. One of the many leadership tools that a commander has at their disposal is counseling and rehabilitation for their Marines. Marine Corps policy is that reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings and that commander is authorized to document those efforts by a page 11 counseling entry per the IRAM. Paragraph 6105 of MCO P1900.16, The Marine Corps Separation Manual, sets forth policy pertaining to counseling and rehabilitation. In cases involving unsatisfactory performance, pattern of misconduct, or other bases requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records.

4. MCO 1610.12, the U.S. Marine Corps Counseling Program states that:

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[REDACTED] USMC

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. The following comments concerning the page 11 entry is provided:

a. The counseling entry meets the elements of a proper page 11 counseling as it lists deficiencies, recommendations for corrective action, where assistance can be found, and states that Staff Sergeant [REDACTED] was provided the opportunity to make a rebuttal statement. Additionally, he was afforded an opportunity to annotate whether or not he chose to make such a statement and if made, a copy of the statement would be filed in the service record. Staff Sergeant [REDACTED] acknowledged the counseling entry by his signature and further chose "not to" make a statement in rebuttal.

b. Staff Sergeant [REDACTED] claim that his records are in error or an injustice was committed because he was not counseled by his reporting senior or reviewing officer is irrelevant. The event that is recorded on his page 11, counseling, was conducted by his commander and his signature on the entry acknowledges that counseling did in fact occur. Also, in some cases, a Marine's Commander may be their reviewing officer on fitness reports; however, the fitness report covering evaluation period of 19990501 to 19991231 indicates that his unit's Executive Officer was the reviewing officer who is not authorized to counsel Marines per MCO 1610.12 and the IRAM. Staff Sergeant [REDACTED] mentions that he received lower markings on the fitness report for this evaluation period but it does not address the page 11 entry nor his attendance of an anger management course because of this incidence.

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6. If this incident was investigated and found to be unsubstantiated, documentation from the Case Review Committee (CRC) is not provided to support this. Due to the sensitivity and private nature of this issue, the service member involved in the incident is the only individual who can obtain a copy of the report that will include all the actions taken by the CRC in closing the case. In view of the above, it is recommended that the Board for Corrections of Naval Records disapprove Staff Sergeant [REDACTED] request for removal of an Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 990629 from his service records. If the Board for Correction of Naval Records finds that his records are in error or an injustice was committed, approve the removal of the entry from his service records. Point of contact is [REDACTED] at [REDACTED]

[REDACTED]

P. D. [REDACTED]  
Director  
Manpower Management Information  
Systems Division