



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

JSR
Docket No. 10109-07
7 February 2008

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

~~Subject~~
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 1 Nov 07 w/attachments
(2) HQMC MIO memo dtd 14 Jan 08
(3) HQMC MMER/PERB e-mail dtd 6 Feb 08 and copy of
Subj's removed fitrept for 30 Aug to 12 Sep 05
(4) 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(c) ("Administrative Remarks (1070)") disenrollment and counseling entries dated 12 September 2005, copies of which are in enclosure (1) at Tab A.
2. The Board, consisting of Messrs. Dunn, Lippolis and Lucas, reviewed Petitioner's allegations of error and injustice on 7 February 2008, 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. In correspondence attached as enclosure (2), the Headquarters Marine Corps (HQMC) Manpower Information

Operations, Manpower Management Information Systems Division commented to the effect Petitioner's request has merit and warrants partial relief, specifically, modifying the disenrollment entry by removing "in particular the pull up portion of the PFT [physical fitness test]" and removing the counseling entry entirely.

c. In enclosure (3), the HQMC Performance Evaluation Review Branch advised that the reason the HQMC Performance Evaluation Review Board (PERB) had directed removing Petitioner's fitness report for 30 August to 12 September 2005, the period during which he received the contested page 11(c) entries, was that the third officer action failed to address the differences between **Petitioner and the reporting senior/reviewing officer.**

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an error warranting the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by amending the service record page 11(c) disenrollment entry dated 12 September 2005 by deleting "in particular the pull up portion of the PFT".

b. That his record be corrected further by removing the page 11(c) counseling entry dated 12 September 2005. This is to be accomplished by reconstructing the page 11(c) on which the entry appears, or completely obliterating it so it cannot be read, rather than merely lining through it.

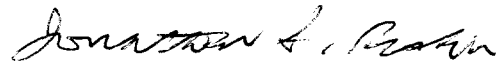
c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. 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.

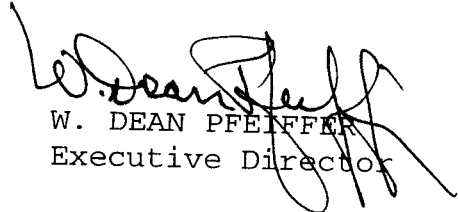
e. That the remainder of Petitioner's request be denied.

4. 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
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
Executive Director