



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

BJG

Docket No: 11543-08  
9 March 2009

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 3 Nov 08 w/attachments  
(2) HQMC MIO memo dtd 14 Jan 09  
(3) Memo for record 4 Mar 09  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting that his naval record be corrected by modifying the Marine Corps Total Force System (MCTFS) data by removing the weight control entries for 10 February 1993 to 4 October 1996 and 5 December 2000 to 25 April 2001 (enclosure (2) of Petitioner's application) and the service record page 11d ("Administrative Remarks (1070)") entries dated 27 January 2003 and 27 July 2006 (page 11d at issue at enclosure (3) of Petitioner's application).

2. The Board, consisting of Ms. Guill and Messrs. Grover and McBride, reviewed allegations of error and injustice on 5 March 2009, and pursuant to its regulations, determined that limited relief should be granted. 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 which were available under existing law and regulations within the Department of the Navy.

b. In enclosure (2), the Headquarters Marine Corps Manpower Information Operations, Manpower Management Information Systems Division (MIO) has commented to the effect that Petitioner's request warrants partial relief, specifically, removing the weight control entry for 10 February 1993 to 4 October 1996 and the page 11d entry dated 27 January 2003 and modifying the page 11d entry dated 27 July 2006 by deleting the words "on two separate occasions." MIO specifically recommended that the deletion be accomplished by drawing a line through the words to be removed. Enclosure (3) clarifies the basis for the recommendation to remove the weight control entry for 10 February 1993 to 4 October 1996 and the page 11d entry dated 27 January 2003.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting the partial relief recommended in enclosure (2). In this regard, the Board fully concurs with enclosure (2), except the recommendation that the modification of the page 11d entry dated 27 July 2006 be effected by drawing a line through the words to be removed. The Board considers this an inadequate method of correction, as the words to be removed would still be legible, which could prejudice Petitioner. Regarding the weight control entry for 5 December 2000 to 25 April 2001, the Board was unable to accept Petitioner's allegation he was not placed on weight control. Concerning the page 11d entry dated 27 June 2006, the Board was unable to accept his allegation that his weight/body fat measurements were improperly conducted. In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing from MCTFS the weight control entry for 10 February 1993 to 4 October 1996.

b. That his record be corrected further by removing the service record page 11d ("Administrative Remarks (1070)") entry dated 27 January 2003. This is to be accomplished by reconstructing the page 11d on which the entry appears, or completely obliterating the entry so it cannot be read, rather than merely lining through it.

c. That his record be corrected further by modifying the service record page 11d ("Administrative Remarks (1070)") entry dated 27 July 2006 by deleting the words "on two separate occasions." This is to be accomplished by reconstructing the page 11d on which the entry appears, or completely obliterating the words to be deleted so they cannot be read, rather than merely lining through them.

d. 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.

e. 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.

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

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  
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