



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

BJG
Docket No: 7383-09
23 February 2010

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 7 Jun 09 w/attachment
(2) HQMC MIO memo dtd 3 Aug 09 w/encl
(3) HQMC MMPR-2 memo dtd 12 Jan 10
(4) Subj'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, in effect, that his naval record be corrected by modifying his data in the Marine Corps Total Force System (MCTFS) by removing the weight control entry dated 14 August 2008, a copy of which is at enclosure (2). He further requested removing the service record page 11 ("Administrative Remarks (1070)") entry dated 21 August 2008, a copy of which is in enclosure (1) at Tab A. Finally, he requested remedial consideration for promotion to corporal (pay grade E-4).

2. The Board, consisting of Messrs. W. Hicks, Spooner and Swarens, reviewed allegations of error and injustice on 19 February 2010, 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. Petitioner exhausted all administrative remedies which were available under existing law and regulations within the Department of the Navy, except with respect to his request for remedial consideration for promotion.

b. In enclosure (2), the Manpower Information Operations, Manpower Management Information Systems Division, the Headquarters Marine Corps (HQMC) office with cognizance over the subject matter of Petitioner's request to remove the weight control and page 11 entries, has commented to the effect that this request has merit and warrants relief.

c. In enclosure (3), the Enlisted Promotion Section (MMPR-2), the HQMC office with cognizance over the subject matter of Petitioner's request for remedial consideration for promotion, had advised he should submit this request to MMPR-2 via his command.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (2), the Board finds an error and injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by modifying his MCTFS data as follows: remove the weight control entry dated 14 August 2008.

b. That his record be corrected further by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 21 August 2008. This is to be accomplished by physically removing the page 11 on which the entry appears or completely obliterating the entry 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.

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