



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

BJG
Docket No: 1965-10
2 July 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 9 Feb 10 w/attachments
(2) HQMC MIO memo dtd 1 Apr 10
(3) 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 removing the service record page 11 ("Administrative Remarks (1070)") entry dated 27 June 2002 and his undated rebuttal, copies of which are at Tab A. He also impliedly requested removing the County of Craven Department of Social Services letter dated 19 June 2002, a copy of which is at Tab B.

2. The Board, consisting of Messrs. Grover, Ivins and McBride, reviewed allegations of error and injustice on 1 July 2010, 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. Petitioner exhausted all administrative remedies which were available under existing law and regulations within the Department of the Navy.

b. The contested page 11 entry counsels Petitioner for an alleged incident of child neglect on or about 27 May 2002. The impliedly contested letter from the County of Craven shows that

their investigation did not substantiate the allegation of neglect. Petitioner bases his request on this letter.

c. In enclosure (2), the Headquarters Marine Corps office with cognizance over page 11 entries commented to the effect that the contested page 11 entry and Petitioner's rebuttal should be removed because the entry does not reference a substantiated finding by the Family Service Center Care Review Committee of child neglect, and it is improperly signed "By direction."

d. The page 11 on which the contested entry appears also includes uncontested entries.

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 full relief. The Board substantially concurs with enclosure (2) in finding the contested page 11 entry and Petitioner's rebuttal should be removed. The Board finds the County of Craven letter should be removed as well, because it reveals an allegation of child neglect that was found to be unsubstantiated. In view of the above, the Board directs the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 27 June 2002 and Petitioner's undated rebuttal (Official Military Personnel File (OMPF) Service Contract folder, images 42 and 44). This is to be accomplished by reconstructing the page 11 on which the entry appears and physically removing the rebuttal, or completely obliterating the entry and rebuttal so they cannot be read, rather than merely lining through them.

b. That his record be corrected further by removing the County of Craven Department of Social Services letter dated 19 June 2002 (OMPF Service - Miscellaneous folder, image 8).

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.

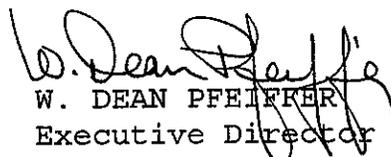
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's 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