



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

JSR
Docket No. 2632-10
24 June 2010

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

Subj: ~~REDACTED~~
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 29 Jan 10 w/attachments
and Subject's e-mail dtd 22 Jun 10
(2) HQMC MIO memo dtd 16 Jun 10
(3) 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 modifying the Marine Corps Total Force System (MCTFS) data to raise the "proficiency/conduct" marks of "1.9/1.5" for 31 July 2009 to at least "4.0/4.0." A copy of the pertinent MCTFS entry is in enclosure (1). By the e-mail at enclosure (1), Petitioner amended his application to clarify he would be satisfied with removing the contested marks, if they could not be raised as he had requested.

2. The Board, consisting of Mses. Countryman and Trucco and Mr. Storz, reviewed Petitioner's allegations of error and injustice on 24 June 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. 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 office having cognizance over the subject matter of Petitioner's case has commented to the effect that the request has merit and warrants favorable action, specifically, removing the contested entry and substituting "N/A [not applicable]/N/A."

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an error and injustice warranting removal of the contested entry and its replacement with "N/A/N/A." The Board is unable to find what marks Petitioner should have received. In view of the above, the Board directs the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by modifying the MCTFS data to change the "proficiency/conduct" marks for 31 July 2009 from "1.9/1.5" to "N/A/N/A."

b. 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.

c. 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.

d. 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