



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

JSR
Docket No. 00611-11
7 April 2011

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 7 Jan 11 w/enclosures,
incl Subject's ltr dtd 4 Feb 11 w/enclosures
and e-mail dtd 6 Apr 11
(2) HQMC JAM2 memo dtd 31 Mar 11
(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 removing all documentation of his competency review board (CRB) proceedings of 4 June 2003 (a copy of the pertinent document on file in his Official Military Personnel File is at Tab A). He also impliedly requested setting aside his administrative reduction, as a result of the CRB proceedings, from sergeant (pay grade E-5) to corporal (pay grade E-4) effective 1 July 2003; and adjusting his lineal precedence accordingly. He further requested retroactive promotion to staff sergeant (pay grade E-6). This request was not considered, as Petitioner may submit to Headquarters Marine Corps (HQMC) Code MMPR-2 a request for remedial consideration for promotion to staff sergeant on the basis of the corrective action indicated below. Finally, he requested that his record be corrected by entering an administrative filler to account for his missing fitness reports in the grade of sergeant for 1 March 2003 through 29 February 2004.

2. The Board, consisting of Messrs. Green, Pfeiffer and Vogt, reviewed Petitioner's allegations of error and injustice on 7 April 2011, 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 enclosure (2), the HQMC office with cognizance over the subject matter of this case commented to the effect that Petitioner's request to set aside his administrative reduction has merit and warrants favorable action.

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 injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing all documentation of his CRB proceedings of 4 June 2003.

b. That his record be corrected further to show he was not reduced from sergeant (pay grade E-5) to corporal (pay grade E-4) effective 1 July 2003, but served continuously as a sergeant after that date; and that his lineal precedence be adjusted accordingly.

c. That his record be corrected further by entering an administrative filler to account for his missing fitness reports in the grade of sergeant for 1 March 2003 through 29 February 2004.

d. That any material or entries 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.

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.


FOR W. DEAN PFEIFFER
Executive Director