



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 5355-12  
13 July 2012

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Petitioner's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his naval record be corrected by removing two administrative remarks entries (page 11) dated 16 July 2007, from his official military personnel file (OMPF).

2. The Board, consisting of Mr. Sproul, Mr. Whalen, and Ms. Zivnuska, reviewed Petitioner's allegations of error and injustice on 10 July 2012 and, pursuant to its regulations, a 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. In addition, the Board considered the advisory opinion furnished by the Marine Corps Manpower Information Quality Assurance, Manpower Management Information Systems Division (MIQ) dated 14 June 2012, a copy of which is provided in enclosure (1).

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. Enclosure (1) was filed in a timely manner.

c. Petitioner's OMPF reflects a page 11 which notes that he received counselling on 16 July 2007 regarding an appropriate relationship with a married woman and was advised of his nonrecommendation for promotion to the rank of corporal because of his lack of leadership. However, the page 11 was signed by Petitioner's first sergeant instead of his commanding officer, who was required to do so.

d. An advisory opinion received from the Marine Corps regarding Petitioner's request to remove the page 11 recommended relief. In this regard, the advisory opinion states, in part, that the page 11 entries do not meet the elements of a proper entry per Marine Corps Orders because it is not signed by his commanding officer, as required.

#### CONCLUSION:

Upon review and consideration of all the evidence or record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board substantially concurs with the comments contained in the advisory opinion and concludes that since the page 11, as it appears in the record, is incorrectly and improperly signed and/or insufficient as written and filed, it and all references to it should be removed from the record.

In view of the foregoing, the Board finds the existence of an error and injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing and/or totally obliterating the page 11 administrative remarks dated 16 July 2007, as well as all of its references.

b. That any and all materials 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 materials 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.

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

  
BRIAN J. GEORGE  
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 Regulation, 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