



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

TJR
Docket No: 5140-13
9 October 2013

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 with attachments
(3) Subject's naval record/CD
(4) Advisory opinion (AO) from HQMC Manpower Information
Quality Assurance, Manpower Information Systems
Division (MIQ) dated 18SEP13

1. Pursuant to the provisions of reference (a), Petitioner, a member of the Marine Corps, filed enclosure (1) with this Board requesting that his record be corrected by removing derogatory material, specifically, an administrative remarks (page 11) entry dated 2 July 2012 which incorrectly reflects that he was in an unauthorized absence (UA) status from 25 May to 29 June 2012. Presumably, this request includes, but is not limited to, any adverse fitness reports which refer to the period of UA.

2. The Board, consisting of Messrs. Exnicios, Pfeiffer, and Whalen, reviewed Petitioner's allegations of error and injustice on 8 October 2013 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. In addition, the Board considered the AO provided by the Headquarters Marine Corps MIQ, a copy of which is attached as enclosure (4).

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 record contains documentation that reflects that on 5 and 6 February 2012 and again during the period from 25 May to 29 June 2012 he was in a leave status.

d. Petitioner's record also contains an administrative remarks entry (page 11) dated 2 July 2012 which reflects, in part, that he received counselling for failure to produce verification of travel and as a result he was placed in a UA status for the period from 25 May to 29 June 2012. In his rebuttal to this counselling, he has provided leave status verification which is contrary to the UA status reflected in the page 11 entry.

e. In the AO from MIQ (enclosure (4)), it was recommended that the administrative remarks entry be removed from the record because the Marine Corps Total Force System (MCTFS) and his Official Military Personnel File (OMPF) both reflect that he was never in a UA or deserter status.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the AO, the Board finds the existence of an error and injustice warranting corrective action. In this regard, the Board concludes that the page 11 was incorrectly written and filed and should be removed from the record.

The Board further concludes that the Petitioner's MCTFS should be corrected in accordance with the recommendation reflected in paragraph 4 of the AO.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the administrative remarks (page 11) entry dated 2 July 2012.

b. That Petitioner's MCTFS record be corrected, in accordance with paragraph 4 of the AO to read as follows: 20120207 ATT TAD 0801 RUC 11303 MCC SMG TAD EXCESS; 20120507 FR TAD 0800 RUC 11303.

c. That any and all 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


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