



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

HD

Docket No. NR4852-14

17 April 2015

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 6 Feb 14 w/attachments
(2) PERS-832 memo dtd 29 Sep 14
(3) CO, ECRC ltr dtd 9 Dec 14
(4) PERS-00J memo dtd 6 Apr 15

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 the Commanding Officer, Expeditionary Combat Readiness Center, ECRC, letter N00L (7) dated 1 November 2010, Subject: Request for Retention ECI (in case of Petitioner copy at Tab A).

2. The Board, consisting of Messrs [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 16 April 2015, 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 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. The contested letter requests a "legal hold" on Petitioner, "involuntarily extending his enlistment for 6 months to complete criminal investigation and courts-martial actions."

c. In enclosure (2), PERS-832, the Navy Personnel Command (NPC) Enlisted Performance and Separation Branch, has commented to the effect they found nothing in Petitioner's Official Military Personnel File (OMPF), other than the contested document, referencing a pending or adjudicated legal case.

d. In enclosure (3), the current CO, ECRC commented to the effect that comment is declined as to whether action to include the contested document in Petitioner's OMPF was correct.

e. In enclosure (4), PERS-00J, the NPC Assistant Legal Counsel, commented to the effect that the contested document should be removed, as "no evidence has been presented...that Petitioner committed any crime to justify this memorandum, nor has a court-martial been convened."

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (4), 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 the CO, ECRC letter N00L/070 dated 1 November 2010, Subject: Request for Retention ICO Petitioner.

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.

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.

Jonathan S. Ruskin

JONATHAN S. RUSKIN
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.

Robert J. O'Neill

ROBERT J. O'NEILL
Executive Director