



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

JSR

JSR  
Docket No. NR5272-14  
20 November 2014

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

- Encl:
- (1) DD Form 149 dtd 2 Dec 13 w/attachments
  - (2) HQMC MMRP-13/PERB memo dtd 17 Apr 14
  - (3) HQMC e-mail dtd 6 May 14
  - (4) HQMC MIQ memo dtd 5 Jun 14
  - (5) BUMED memo dtd 22 Jul 14
  - (6) HQMC MIQ memo dtd 21 Aug 1
  - (7) Subject's ltr dtd 16 Oct 14 w/enclosures
  - (8) 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 the fitness reports for 21 May to 31 December 2011 and 1 January to 30 April 2012 (copies at Tabs A and B, respectively). Enclosure (2) shows that the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) has directed removing both contested fitness reports. Petitioner also requested removing the service record page 11 ("Administrative Remarks (1070)") entries dated 14 December 2011, 6 January 2012 with undated rebuttal and 26 June 2012 (copies at Tabs C, D and E, respectively).

2. The Board, consisting of Messrs. Hicks, Spooner and Swarens, reviewed Petitioner's allegations of error and injustice on 20 November 2014, 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. Enclosure (3) reflects the basis for the PERB action.

c. In enclosure (4), MIQ, the HQMC office with cognizance over page 11 entries and weight control, commented to the effect that the contested page 11 entry dated 6 January 2012 should stand, as it documents an incident where Petitioner attempted to falsify documents and made false statements to her command, but that an advisory opinion should be obtained from BUMED before addressing the other two entries at issue.

d. In enclosure (5), BUMED has commented to the effect it is very possible that Petitioner had polycystic ovarian syndrome when she was placed on the Body Composition Program (BCP).

e. In enclosure (6), MIQ again commented to the effect that the contested entry dated 6 January 2012 should stand, but further commented to the effect that Petitioner's request to remove the entries dated 14 December 2011 and 26 June 2012 had merit and warranted favorable action. That office further recommended removing from the Marine Corps Total Force System (MCTFS) the entry showing Petitioner's assignment to the BCP from 21 December 2011 to 26 June 2012.

f. In enclosure (7), Petitioner contended that the entry dated 6 January 2012 should be removed as well, as the following fitness reports show she has overcome her mistake.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (6), the Board finds the existence of an error and injustice warranting the following limited corrective action:

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entries dated 14 December 2011 and 26 June 2012. This is to be

accomplished by physically removing the page 11's on which the entries appear, or completely obliterating the entries so they cannot be read, rather than merely lining through them.

b. That her record be corrected further by removing from MCTFS the entry reflecting her assignment to the BCP from 21 December 2011 to 26 June 2012.

c. 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.

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.

  
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  
Executive Director