

82



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

JSR  
Docket No. NR8166-14  
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 20 Mar 14 w/attachment and DD Form 149 dtd 20 Mar 14 w/attachments
- (2) HQMC MMRP-13/PERB memos (two), each dtd 3 Jul 14
- (3) HQMC MIQ memo dtd 25 Aug 14
- (4) 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 10 April to 23 July 2010, 20 December 2010 to 30 December 2011 and 31 December 2011 to 4 August 2012 (copies at Tabs A, B and C, respectively) and his assignment to the Body Composition Program (BCP) from 21 September 2011 to 17 April 2012 (copies of pertinent service record page 11 ("Administrative Remarks (1070)") entries at Tab E).

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. In enclosure (2), the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board commented to the effect that the contested fitness reports should stand.

c. In enclosure (3), MIQ, the HQMC office with cognizance over the subject matter of Petitioner's request to remove his assignment to the BCP, has commented to the effect that the assignment should stand, but that the ending date should be changed from 17 April 2012 to 20 March 2012.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), 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 changing the Marine Corps Total Force System (MCTFS) data reflecting his assignment to the BCP from 21 September 2011 to 17 April 2012 to show the ending date as 20 March 2012, rather than 17 April 2012.

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.

c. 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