



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

[REDACTED]
Docket No: 2395-16
JAN 06 2017

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USMC,
XXX-XX [REDACTED]

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

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)
(4) HQMC memo 1610 MMRP-13/PERB dtd 22 Mar 16

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 fitness report for the reporting period from 14 December 2014 to 15 July 2015 be removed from his official military personnel file (OMPF). Enclosures (1) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 November 2016, and pursuant to its regulations, determined that the partial 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 (AO) contained in 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 was issued a transfer (TR) fitness report for the reporting period from 14 December 2014 to 15 July 2015. He contends that the report contains verbiage that is adverse in nature. He further contends that his reporting senior (RS) did not conduct an in-brief to establish a billet description and expectations. On 10 March 2016, the Performance Evaluation Review Board (PERB) considered Petitioner's request to have the report removed from his record. The PERB concluded that the contested report is procedurally correct as written and

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USMC,
XXX-XX-[REDACTED]

filed but that it contained correctable administrative errors. The administrative errors identified by the PERB were corrected by the Marine Corps by removing the last phrase of the last sentence in Section I, "therefore, he does not rate to wear the recruiting ribbon."

d. Petitioner's duty assignment (descriptive title) in Section A.4 of the contested report is listed as "supply assistant SNCOIC." Section K.4 states, in part, "Although he didn't perform the duties of a canvassing recruiter, [Petitioner] demonstrated good work ethic in his support to the Supply Section."

MAJORITY CONCLUSION:

Upon review and consideration of all the evidence of record, the majority, [REDACTED] concluded that Petitioner's request warrants partial relief. In this regard, the majority noted the redaction already made by Headquarters, Marine Corps and believes that additional redaction is warranted. Specifically, the majority concluded that the portion of the sentence in section K.4 that reads "Although he didn't perform the duties of a canvassing recruiter," implies that he should have been performing the duties of a canvassing recruiter, but was not. Therefore, the phrase should be redacted from the report. However, the majority concluded that the report, with redactions, did not warrant removal.

MAJORITY RECOMMENDATION:

a. That Petitioner's naval record be corrected by redacting the portion of the sentence in section K.4 that reads "Although he didn't perform the duties of a canvassing recruiter,"

b. That no further action be granted.

MINORITY CONCLUSION:

In reaching her conclusion, the minority member [REDACTED] concurred with the AO. Specifically, that the report should remain in Petitioner's record, with the modifications already made by Headquarters, Marine Corps. The minority member concluded that the remaining comments do not render the report adverse and therefore, the report does not warrant further redaction or removal.

MINORITY RECOMMENDATION:

That Petitioner's request be denied.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USMC,
XXX-XX [REDACTED]

5. 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.

[REDACTED]
Recorder

6. The foregoing action of the Board is submitted for your review and action.

[REDACTED]
Executive Director

Majority recommendation reviewed and approved [REDACTED]

2/2/17

~~Minority recommendation reviewed and approved~~ [REDACTED]
[REDACTED]