



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

[REDACTED]  
Docket No. 8200-16

MAY 11 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
USMC

Ref: (a) 10 U.S.C. 1552  
(b) MCO P1070.12K w/Ch 1 (IRAM)  
(c) MCO 6110.3 (MCBCMAP)

Encl: (1) DD Form 149 w/attachments  
(2) CO ltr 6100 ADMIN dtd 16 Mar 09  
(3) 2<sup>nd</sup> Endorsement on CO ltr 6100 ADMIN undated  
(4) 3<sup>rd</sup> Endorsement on CO ltr 6100 ADMIN undated  
(5) NAVMC 118/11 dtd 6 Apr 09  
(6) [REDACTED] ltr 6100 RAS dtd 2 Apr 13  
(7) OpsO [REDACTED] Reg ltr 1610 ADMIN dtd 28 May 13  
(8) [REDACTED] ltr 6100 RAS dtd 23 Jun 16  
(9) CO, [REDACTED] Marines ltr 1000 CO dtd 5 Aug 16  
(10) MCTFS D113 remarks  
(11) Basic Training Record (BTR) dtd 16 Aug 16  
(12) HQMC memo 1070 MIQ dtd 11 Nov 16  
(13) HQMC ltr 1610 MMRP-13/PERB dtd 23 Mar 17

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 to remove one Administrative Remarks (NAVMC 118/11) entry dated 6 April 2009. Enclosures (1) through (13) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 April 2017 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. On 16 March 2009, Petitioner was found not to be within the Marine Corps' body composition standards. The Petitioner was assigned to Body Composition Program (BCP). See enclosures (2), (3), and (4).

c. On 6 April 2009, the Petitioner received a NAVMC 118/11 (Page 11) counseling entry for his "assignment to the Marine Corps BCP." The Petitioner signed the Page 11 entry and the Commanding Officer (CO) did countersign the entry. The Petitioner was advised and afforded the opportunity to submit a written rebuttal and he chose not to submit one. See enclosure (5).

d. On 2 April 2013 and 23 June 2016, both the Independent Duty Corpsman (IDC) and Marines Regimental Surgeon completed reviews of the Petitioner's medical record and found no evidence of medical evaluation to include laboratory testing for the BCP program. Per reference (c), the member should have been evaluated prior to being placed on any BCP program however, no such evaluation was conducted. See enclosures (6) and (8).

e. On 28 May 2013, the Operations Officer for Marine Corps Security Force Regiment stated that the command conducted an official review of a BCP assignment in the case of the Petitioner and it was determined that the BCP assignment was incomplete and administratively incorrect for the following reasons. See enclosure (7).

(1) All paperwork was completed and signed on the same day. This is chronologically incorrect due to the fact that the third endorsement acknowledges that the Marine was previously medically screened.

(2) A medical evaluation was requested for the Petitioner but one is not present in his Service Record Book (SRB), Official Military Personnel File (OMPF), or Medical record. It is required that a Marine be medically screened before being placed on BCP.

(3) The required NAVMC Form 11621 is not present in the Petitioner's SRB or OMPF.

f. On 5 August 2016, the CO, Marine Regiment, requested the Marine Corps Total Force System (MCTFS) record that contained an entry for assignment to BCP to be removed from the Petitioner's record. The Installation Personnel Administration Center (IPAC) removed the entry from the Petitioner's record. See enclosures (9), (10), and (11).

g. On 11 November 2016, in correspondence attached as enclosure (12), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that in accordance with reference (b), the request has merit and warrants favorable action. Specifically, the Petitioner's CO has endorsed the Petitioner's request which stated he had not been properly placed on BCP. The CO requested all other entries regarding this erroneous assignment be removed from Petitioner's MCTFS record. See enclosure (12).

h. On 23 March 2017 the Performance Evaluation Review Board (PERB) removed all references about Petitioner being placed on the BCP program. See enclosure (13).

## CONCLUSION

Upon review and consideration of all the evidence of record, and in light of the enclosures and references, the Board believes that the Petitioner's request should be approved because the CO did not follow the regulation contained in reference (c). The Board believes the Petitioner was not afforded the opportunity to be screened by an appropriate medical officer as required by the regulation. The Board finds the existence of an injustice warranting the following corrective action.

## RECOMMENDATION:

Correct the Petitioner's naval record, where appropriate, to show that:

- a. Remove Petitioner's Page 11 counseling dated 6 April 2009 from the his OMPF.
  - b. Remove or completely expunge any material or entries inconsistent with or relating to the Board's recommendation from Petitioner's record and ensure no such entries or material be added to the record in the future.
4. It is certified that 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

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.

[REDACTED]  
Executive Director