



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

[REDACTED]  
Docket No. 8527-16  
JUL 26 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments  
(2) PFT/CFT Performance Worksheet (NAVMC 1182) executed 23 Dec 2015  
(3) MCO 6110.3 of 8 Aug 08, Marine Corps Body Composition and Military Appearance Program  
(4) Fitness report for period ending 20160106  
(5) Addendum Page 1 of 4 and Page 2 of 4 to Fitness report ending 20160106  
(6) HQMC memo 1610 MMRP-13/PERB of 19 Sep 16

1. Pursuant to the provisions of reference (a) Petitioner, a sergeant in the U.S. Marine Corps, filed enclosure (1) with this Board requesting, in effect, that his fitness report covering the period 20160105-20160106 (FD), be removed from his Official Military Personnel File (OMPF). Enclosures (1) through (6) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 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. Enclosure (1) was filed in a timely manner.

c. On 5 November 2015, Petitioner participated in the Physical Fitness Test (PFT) and he measured 72 inches tall and weighed 200 pounds; the measurements put Petitioner within the required DOD Height/Weight Standards per MCO 6110.3 of 8 August 2008, see enclosure (3). On 23 December 2015, Petitioner's command [REDACTED] conducted a second PFT prior to him attending a Sergeants Course 5-16 at the Staff Non-Commissioned Officer (SNCO) Academy, [REDACTED]. He measured 72 inches tall and weighed 196 pounds, putting him within the

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height/weight standards. The maximum weight for a male Marine was 72 inches tall and 202 pounds. See enclosures (2), (3) and (4).

d. On 5 January 2016, Petitioner reported to the SNCO Academy. On 6 January 2016, SNCO Academy certified physical training instructors, conducted a PFT on Petitioner. He measured 71 inches, weighed 197 pounds and had a body composition of 23%, per MCO 6110.3. The combined height, weight and body composition measurements made Petitioner not within the required body composition standards. See enclosures (3) and (4).

e. On 6 January 2016, SNCO Academy disenrolled Petitioner from the Sergeants Course 5-16 for not being within body composition standards per MCO 6110.3 for the designated age group. SNCO Academy submitted an adverse non-observe fitness report of Petitioner. See enclosure (4).

f. Petitioner submitted a rebuttal statement to the fitness report. He contends "I was heighted just short of 71.5 inches and weighed 197.6 lbs. I understand being short of 71.5 inches rounds me down to 71 inches and max weight for that height is 197 lbs." Petitioner further contends "I am not questioning the weight the school had me at, but I am questioning the height they measured me at. See enclosure (5).

g. MCO 6110.3, Enclosure (1) 3.f.(5)(a), states "...For use in height/weight tables and FitRep reporting, height measurement will be recorded to the nearest inch. If the height fraction is less than  $\frac{1}{2}$  [.5] inch, round down to the nearest inch. If the height fraction is  $\frac{1}{2}$  [.5] inch or more, round up." See enclosure (3).

h. In correspondence attached as enclosure (6), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that Petitioner's request to remove the fitness report does not warrant favorable action because the contested report is administratively and procedurally correct as written and Petitioner failed to meet the burden of proof necessary to establish an inaccuracy or injustice warranting removal.

i. After reviewing the record and documentation provided by the Petitioner, the Board noted that Petitioner's rebuttal to the FitRep, contended that his height was incorrectly measured by the SNCO Academy. The Board concurred. The Board found errors in both Petitioner's command and the SNCO Academy processing of the PRT. The PRT Petitioner took on 23 December 2015, 12 days before reporting to the Academy was not properly relayed showing that Petitioner was within standards. The Academy's processing was in error, because in accordance with MCO 6110.3 when Petitioner's height was measured at 71.5 inches, the  $\frac{1}{2}$  inch should have been rounded up to the next nearest inch which would have been 72 inches. With Petitioner's height at 72 inches and his weight at 197 pounds, he would have been within the height/weight standards since the maximum weight for a male his height is 202 pounds.

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

Petitioner met the burden of proof necessary to establish an inaccuracy or injustice warranting removal of the contested report. Specifically, the SNCO Academy failed to accurately measure Petitioner's height or calculate his body fat percentage. Petitioner's command accurately measured and calculated Petitioner's body fat percentage, and Petitioner was within standards at the time of SNCO Academy's weigh-in but failed to relay the information to SNCO Academy.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected by removing the following enlisted fitness report and related material.

<u>Date of report</u>	<u>Reporting senior</u>	<u>Period of report</u>
20160106	[REDACTED]	From: 20160105 to 20160106

That there be inserted in Petitioner's naval record a memorandum in place of the removed report, containing appropriate identifying data concerning the report; that such memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not conjecture or draw any influences as to the nature of the report.

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.

[REDACTED]  
Recorder

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

[REDACTED]  
Executive Director

Reviewed and Approved/Disapproved:  
[REDACTED]

8/3/17