



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

[REDACTED]  
Docket No. 5330-21  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO P1610.7A

Encl: (1) DD Form 149 w/enclosures  
(2) Fitness Report for the reporting period 1 Apr 19 to 5 Jul 19  
(3) Administrative Remarks (Page 11) 6105 counseling entries of 6 Aug 19  
(4) HQMC memo 1610 MMRP-30 of 13 Apr 21  
(5) CMC ltr 1610 MMRP-13/PERB of 11 Aug 21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removing enclosure (2), a fitness report for the reporting period 1 April 2019 to 5 July 2019, from his official military personnel file (OMPF).

2. The Board reviewed Petitioner's allegations of error and injustice on 8 February 2022 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, relevant portions of Petitioner's 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 regulation within the Department of the Navy.

b. On 5 June 2019, Petitioner conducted a Physical Fitness Test (PFT) and successfully completed two evolutions, the pull-ups and crunches. During the run portion of the PFT, Petitioner vomited several times and ultimately failed to complete the run within the maximum allotted time. Petitioner subsequently went to sick call and received a medical chit stating that he was suffering from a stomach virus and that he was restricted from physical training for two days. On 12 June 2019, Petitioner ran a non-official PFT with his First Sergeant and passed; on 25 June 2019 Petitioner passed an official PFT with a first-class score. On 5 July 2019, Petitioner was issued an adverse fitness report, enclosure (2), for failing the 5 June 2019 PFT. On 6 August 2019, Petitioner received enclosure (3), a Page 11 counseling for failing the PFT

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failure, and a counseling notifying him that he was eligible but not recommended for promotion due to the PFT failure.

c. Petitioner contends that his fitness report at enclosure (2) is invalid because the command should have excused the 5 June 2019 PFT score due to his illness. Petitioner included with his application the medical chit from 5 June 2019.

d. Enclosure (4), an advisory opinion (AO) furnished by the Headquarters, Marine Corps Manpower Management Division Records and Performance Branch (MMRP-30), recommended denying Petitioner's request to remove the fitness report and the Headquarters Marine Corps Performance Evaluation Review Board (PERB) found the report to be in compliance with reference (b), and directed that the contested report be retained as filed. See enclosure (5).

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants relief. The Board noted that Petitioner's illness could have been assessed as an injury, that Petitioner successfully conducted two out of the three events, and that Petitioner could have been given credit for a partial PFT. The Board also considered the fact that Petitioner passed the PFT with a first-class score two weeks after his illness. The Board determined that it was unjust to issue the Petitioner an adverse fitness report and Page 11 counseling entries for the failed PFT. The Board thus concluded that Petitioner's fitness report at enclosure (2) and Page 11 counseling entries at enclosure (3) shall be removed.

#### RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Petitioner's naval record be corrected by removing enclosure (2), the fitness report for the reporting period 1 April 2019 to 5 July 2019.

Petitioner's naval record be corrected by removing enclosure (3), the Page 11 containing two counseling entries dated 6 August 2019.

4. 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.

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

2/18/2022

[REDACTED]

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[REDACTED] USMC

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Grant Relief)

Reviewed and Approved Advisory Opinion Recommendation (Deny Relief)

3/1/2022

