



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

[REDACTED]
Docket No: 1402-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) 6105 counseling entry of 12 Aug 20 and promotion-restriction counseling entry of 12 Aug 20
(3) Petitioner rebuttal statement of 17 Aug 20
(4) Fitness Report for the reporting period 1 Oct 19 to 30 Sep 20

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his naval record be corrected by removing the 12 August 2020 Administrative Remarks (Page 11) 6105 counseling entry.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 19 May 2022, and pursuant to its regulations, determined 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, found 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 12 August 2020, Petitioner was issued a Page 11 6105 entry counseling him for failure to take or complete the annual Combat Fitness Test (CFT). He was also notified via formal counseling that he was eligible but not recommended for promotion to staff sergeant due to his failure to complete the CFT. Petitioner submitted a rebuttal statement to the counseling entry. See enclosures (2) and (3).

c. Petitioner was issued an adverse fitness report for the reporting period 1 October 2019 to 30 September 2020. The fitness report was marked adverse due to the failed CFT. In the Section I comments, the Reporting Senior (RS) noted Petitioner was unable to schedule and take the CFT "due to 6 month police academy during CFT season." See enclosure (4).

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d. Petitioner contends he was excused from drill while attending the Police Academy for the Department of Homeland Security and further noted it was during the time period that all Marines were excused from running the CFT.

CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner's request warrants relief. The Board noted the RS confirmed Petitioner's contention, in the Section I comments of the adverse fitness report, that he was attending the Police Academy. The Board concluded it was in the interest of justice to remove the Page 11 containing both the 6105 and promotion-restriction counseling entries, and the associated rebuttal, because Petitioner was on an authorized absence while attending training with the Department of Homeland Security. Further, the Board concluded the fitness report for the reporting period 1 October 2019 to 30 September 2020 should be modified to remove the CFT failure.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing the Page 11 containing two 12 August 2020 counseling entries, as well as the associated 17 August 2020 rebuttal at enclosures (2) and (3), respectively.

Petitioner's naval record be corrected by modifying enclosure (4) as follows:

- 1) Block 6a: remove adverse mark
- 2) Block 8c: Change "F0" to "NREQ"
- 3) Section I: redact "Sect A, Item 5A: MRO unable to schedule and take CFT due to 6 month police academy during CFT season."

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. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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. 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 Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing

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[REDACTED] USMC

corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

6/16/2022

[REDACTED]