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

[redacted]
Docket No: 2126-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [redacted] USMC

Ref: (a) 10 U.S.C. § 1552
(b) MCO 6100.13A

Encl: (1) DD Form 149 w/enclosures
(2) OIC, [redacted] memo of 22 Nov 21
(3) Fitness Report for the reporting period 1 Apr 19 to 31 Mar 20

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 his naval record be corrected by removing the Physical Fitness Test (PFT) completed on 13 February 2020 during an Inspector General (IG) Inspection and replacing it with the PFT conducted on 13 May 2020. If the Board grants the requested relief, Petitioner requested removal of the adverse fitness report, enclosure (3), removal of all related derogatory material, removal of his failure of selection by the Fiscal Year (FY) 2021 Staff Noncommissioned Officer (SNCO) Selection Board, and remedial promotion to Staff Sergeant.

2. The Board, consisting of [redacted] reviewed Petitioner's allegations of error and injustice on 12 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, with the exception of his request to remove his fitness report and request for remedial promotion consideration.

b. On 13 February 2020, as part of a command IG Inspection, the PFT was administered to [redacted] personnel aboard Marine Corps Base [redacted]. Per the Officer In Charge (OIC) of the [redacted] rain caused the event to be relocated indoors but, since the building could not accommodate all the participating personnel, many Marines were forced to wait outside in 39-45 degree temperatures and rain until their turn, some waiting for over a half-hour. Additionally, in order to save time, Marines were not afforded the opportunity to perform

the plank in lieu of abdominal crunches which is in direct conflict with the guidance of reference (b) which states "The CO/OIC will not impose restrictions on the performance of any event other than those specifically stated in this Order." See enclosure (2).

c. Petitioner failed the IG Inspection PFT with an overall score of 138. On 26 March 2020, he was administered a "retake" PFT, earning a score of 193 which, by default became a 150 due to it being a "retake." See enclosure (3).

d. Petitioner was issued an adverse annual fitness report for the reporting period 1 April 2019 to 31 March 2020. The report was marked adverse due to the failed PFT. See Enclosure (3).

e. Petitioner contends the 13 February 2020 IG Inspection PFT was an inaccurate representation of the abilities of the Marines who participated in the event. He specifically notes the inclement weather, prohibitive capacity of the building which did not accommodate all participants resulting in participants waiting outside in the rain and cold temperatures, and loss of the option to plank instead of crunch. Further, Petitioner contends the run was conducted on a route that was flooded, filled with potholes, and had parked and moving vehicles to maneuver around. A review of documents submitted in support of his contentions impliedly contends the accumulation of all the factors negatively impacted not only his PFT but also scores from several other individuals in the command. See enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner's request warrants partial relief. The Board, relying on the OIC's memo, at enclosure (2), explaining the conditions, and most importantly, the improperly and unauthorized restrictions on the performance of the plank event, determined Petitioner's request to remove the 13 February 2020 PFT from his record should be granted. However, noting Petitioner's requested 13 May 2020 PFT score was not available in the record nor submitted by Petitioner, the Board determined the retake score of 193 on the 26 March 2020 PFT was the more appropriate replacement PFT.

After determining the 13 February 2020 PFT should be replaced with the score from the 26 March 2020 PFT, the Board did not consider Petitioner's request to remove the fitness report for the reporting period 1 April 2019 to 31 March 2020 because he has not exhausted his administrative remedies by first requesting the Performance Evaluation Review Board remove the adverse report. Further, the Board did not consider Petitioner's request to remove the FY 2021 SNCO Selection Board failure of selection and grant remedial consideration for selection by the FY 2021 Selection Board because he has not exhausted his administrative remedies.

RECOMMENDATION

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

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Petitioner's naval record be corrected by removing the 13 February 2020 PFT and replacing the PFT with the 26 March 2020 retake PFT but awarding the full score of 193 vice the minimized score of 150.

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

6/7/2022

[redacted]

Deputy Director

[redacted]