



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

█
Docket No. 2792-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
XXX XX █ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 6100.13A w/ CH-3

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (6105) counseling entry 11 Jun 19
(3) Preliminary Inquiry █ 5830 dtd 23 Feb 21
(4) Senior Hospital Corpsman ltr 7 Jul 20
(5) Asst Chief of Staff, G3 Memo 1330 G-3 dtd 15 Jun 20
(6) Medical Record 28 Jun 19

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 an Administrative Remarks 6105 (Page 11) counseling, enclosure (2), from his official military personnel file (OMPF).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 7 July 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, 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 11 June 2019, Petitioner ran a physical fitness test (PFT). Petitioner passed the first two events but failed the run portion. During the run portion, Petitioner injured his ankle and finished the run with signs of injury. After the PFT, Petitioner had his ankle wrapped by the corpsman on-site and then went to the Branch Medical Clinic (BMC) for care. The BMC informed Petitioner that he could only be seen if he had an appointment and referred him to go to the United States Naval Hospital █ emergency room (ER). As Petitioner's injury was not emergent, the ER told him to make an appointment with his primary health care provider. However, Petitioner was scheduled to depart to the █ for the █

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Exchange Program [REDACTED]) 19.3 the next day and was unable to schedule an appointment. Petitioner's command subsequently drafted enclosure (2), a Page 11 counseling entry dated 11 June 2019, for failing the PFT, which Petitioner signed on the same day.

c. Petitioner took another PFT sixteen days later on 27 June 2019 and, due to continuing ankle pain, again failed the run portion. However, there is no official record of the 27 June 2019 PFT. Petitioner was finally able to receive medical treatment for his ankle on 28 June 2019; which documented an existing ankle injury. Petitioner subsequently submitted a request to document the 11 June 2019 PFT as a partial PFT; his company commander denied this request on the basis that Petitioner signed and did not submit a rebuttal to enclosure (2), and that the medical records that Petitioner provided did not prove that he was injured on 11 June 2019.

d. Petitioner contends enclosure (2) is erroneous, and that the command should have processed his score as a Partial PFT. Petitioner included with his request enclosure (3), the Preliminary Inquiry (PI) report of 23 February 2021, which investigated Petitioner's PFT failures. The PI found that Petitioner went to medical immediately after conducting the PFT on 11 June 2019 and was referred to the ER. Petitioner also included enclosure (4), a letter from the senior corpsman during [REDACTED] 19.3, confirming that he wrapped Petitioner's ankle during the trip to [REDACTED] and stating that he witnessed Petitioner taking the PFT, on 27 June 2019, and saw Petitioner limping during the run portion of that PFT. In addition, Petitioner included enclosure (5), an endorsement from his Officer-In-Charge, the Assistant Chief of Staff, G3, that Petitioner's 11 June 2019 should have been processed as a partial PFT. Finally, Petitioner included medical records, enclosure (6), showing that he was diagnosed with an ankle sprain on 28 June 2019.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants relief. The Board noted that reference (b) states that Marines injured during the conduct of a PFT may be given credit for a partial PFT if two out of the three events were completed. The Board found that the Petitioner provided sufficient evidence that his ankle was injured during the 11 June 2019 PFT and that he diligently attempted to receive medical care. Consequently, the Board determined that the 11 June 2019 shall be processed as a partial PFT and enclosure (2) Petitioner's Page 11 entry documenting the PFT failure, is now erroneous and shall be removed.

RECOMMENDATION

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

Modify Petitioner's 11 June 2019 Physical Fitness Test from Failed to Partial.

Remove Enclosure 2, Petitioner's Page 11 counseling entry dated 11 June 2019.

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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 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.

7/25/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]