



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

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Docket No. 6580-22
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 20 September 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your 21 July 2021 Administrative Remarks 6105 (page 11) entry and 29 June 2021 failed physical fitness test (PFT) from your record. The Board considered your contention that you were injured during the PFT. You claim that you informed the Command Physical Training Representative (CPTR) that you were going to the walk-in clinic. After being assessed, it was confirmed by medical personnel that you were injured and issued a light duty chit. You also claim that you brought your Chronological Record of Medical Care (light duty chit) to the training office for them to record your score as a "no entry" or as a partial PFT, but your PFT score was recorded because the CPTR wrote down the time you returned to inform them of your injury as your run time. As evidence, you furnished your 29 June 2021 light duty chit.

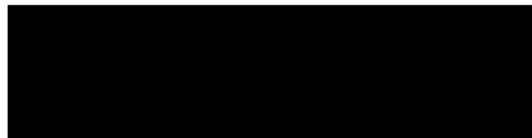
The Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) and the Marine Corps PFT and Combat Fitness Test (CFT) Manual, you were issued a page 11 entry properly counseling you for failing the run portion of the PFT. The Board also noted that you acknowledged the entry and elected not to submit a statement. Thus, the Board determined that the contested entry was written and issued according to the MARCORSEPMAN. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the entry, and he/she determined that your substandard performance/misconduct was a matter essential to record, as it was his/her right to do.

The Board noted that according to the Marine Corps PFT and CFT Manual, only CO's and Officer's in Charge have the authority to grant a partial PFT or a retest. The Board also noted your light duty chit, but found that it lacked sufficient details regarding your injury. The Board found no evidence that the injury occurred during the PFT or that the injury caused you to fail the PFT. The Board determined that you had the opportunity to present matters to your CO when your page 11 entry was issued and you elected not to. The Board also determined that your election not to submit a statement indicates that you understood the basis for your page 11 entry. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the page 11 entry or the contested PFT results. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

10/20/2022

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Executive Director

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