



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

[REDACTED]
Docket No. 7175-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO P1070.12K w/ch 1
(c) MARCORSEPMAN 1900.16 CH 2

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks Page 11 counseling entry, 13 Jul 20
(3) Rebuttal to the Page 11 counseling entry, undated

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) from his official military personnel file.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 October 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. Petitioner received enclosure (2) on 13 July 2020 for failing to meet the height/weight standards for the semi-annual period of January 1, 2020 – June 30, 2020 and failing to submit a required promotion paragraph. Petitioner submitted a rebuttal to the counseling, enclosure (3), stating that he weighed-in on 13 July 2020 and was within height and weight standards and that he did submit a promotion photo. Petitioner contends enclosure (2) is erroneous and should be removed because the commanding officer (CO) did not sign the entry and he was not properly evaluated, as body circumference measuring was not permitted at the time of his weigh-in.

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

CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants relief. The Board noted that enclosure (2) was not written in accordance with reference (b)—specifically, reference (b) requires a CO signature and the contested entry is not signed by the CO. Moreover, the Board determined that the entry did not satisfy the paragraph 6105 counseling requirements detailed in reference (c). Specifically, the Board noted that enclosure (2) did not provide recommendations for corrective action indicating available assistance nor a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action. Consequently, the Board found the counseling erroneous and concluded that Petitioner's counseling entry and rebuttal, enclosures (2) and (3), shall be removed.

RECOMMENDATION

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

Remove Petitioner's counseling entry and rebuttal, enclosures (2) and (3).

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.

11/14/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]