



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

[REDACTED]  
Docket No. 9284-22  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 6100.13A Ch3  
(c) MCO 1070/12K (IRAM)  
(d) MCO 1900.16 Ch2 (MARCORSEPMAN)

Encl: (1) DD Form 149 w/enclosures  
(2) Excerpt of Petitioner's medical record  
(3) Administrative Remarks (Page 11) 6105 counseling entry, 12 Aug 22 w/rebuttal  
(4) Flight Surgeon Memo for the Record, 2 Dec 22  
(5) CO, [REDACTED] ltr 1000 CO, 12 Dec 22

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 (3).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 January 2023, 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 the naval records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 9 June 2022 Petitioner was evaluated by a medical doctor for low back pain and referred to physical therapy, however, he was not placed on light duty. Enclosure (2).

b. On 29 June 2022 Petitioner participated in an official physical fitness test (PFT) and received an injury during the run portion. Petitioner was subsequently issued the contested counseling entry concerning his PFT failure. Petitioner acknowledged the entry. And submitted a rebuttal statement. Enclosure (3).

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c. On 2 December 22, the Flight Surgeon at [REDACTED], [REDACTED], provided enclosure (4), confirming Petitioner's status and explaining how Petitioner's geographical location hindered his ability to receive care the day of the scheduled PFT. The Flight Surgeon confirmed that on 12 July 2022, Petitioner was placed on light duty and next steps were taken for evaluation. Petitioner was referred to a surgeon who recommended procedural intervention and possible surgery.

d. The Commanding Officer, [REDACTED], recommended Petitioner's PFT be corrected to reflect a "Partial" and removal of the 6105 counseling from Petitioner's record. Enclosure (5).

e. Petitioner contends the PFT was erroneously reported because he had a preexisting condition that his command was aware of prior to the execution of the PFT and he was unable to see his PCM until after the PFT due to the distance between his command and the medical treatment facility. Petitioner asserts the PFT has been corrected by his command and believes the counseling entry should also be removed. Enclosure (1).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting relief. In this regard, the Board determined that Petitioner submitted sufficient evidence to support his contention that he was injured during the PFT, that he was being seen and treated by the appropriate medical personnel in accordance with reference (b), and that the evidence of record does not support the matters of the counseling entry, in accordance with references (c) and (d). The Board therefore, deemed the entry was issued in error in light of Petitioner's injury and subsequent action by the command to correct his record. The Board concluded that the contested counseling entry shall be removed from Petitioner's Official Military Personnel File.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (3), his 12 August 2022 6105 counseling entry, and associated rebuttal statement.

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

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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.

2/22/2023

