



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. 477-23
Ref: Signature Date



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 21 February 2023. 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 as well as the 3 January 2023 decision furnished by the Marine Corps Performance Evaluation Review Board (PERB), and the 4 August 2022 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records & Performance Branch (MMRP-30). The AO was provided to you on 3 January 2023, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a response, you chose not to do so.

The Board carefully considered your request to remove your fitness report for the reporting period 5 January 2021 to 1 April 2021. You also request to remove your 22 February 2021 Administrative Remarks (page 11) entries. The Board considered your contentions that you were erroneously placed on the Marine Corps Body Composition Program (BCP), and your BCP assignment was removed making the fitness report improper. You also contend that the page 11 entry is erroneous due to your improper placement on the BCP and the page 11 entry conflicts with the Marine Corps Body Composition and Military Appearance Program (BCP/MAP) Manual. Specifically, according to the regulation, Marines that score 285 or above on the PFT and CFT are exempt from maximum weight and body fat limits, thus granting you a waiver from the BCP. You claim that medical provider and evaluation records were not properly maintained nor properly performed while you were placed on BCP. In addition, records for BCP placement

and weekly administrative logs were not kept. You are requesting this correction to be screened for remedial promotion. As evidence, you furnished correspondence from your current CO requesting removal of the BCP entry in the Marine Corps Training Information Management System (MCTIMS), and a record of your physical fitness and combat fitness test (PFT/CFT).

The Board noted that the PERB approved a correction to your record by removing the Section I and K directed comments regarding your assignment to the BCP. The PERB also added the Section I directed comment, "The MRO is not within body composition standard". The Board substantially concurred with the PERB's decision and the AO. In this regard, the Board noted that you did not take a PFT or CFT during the contested reporting period and your most recent PFT score was a failure as documented in your previous fitness report for the reporting period 15 October 2020 to 4 January 2021. The Board determined that your reliance on the guidance in the Marine Corps BCP/MAP Manual is misguided. The exemption is intended to pertain to a recent PFT/CFT conducted during the reporting period. The Board also noted that MMRP-31 obtained guidance from Training Command and it was determined that old scores due to limited duty status do not carry forward for the purpose of an exemption.

The Board noted that you were issued a page 11 entry properly counseling you for being assigned to the BCP. You were also issued a page 11 entry notifying you that you are not eligible for promotion while assigned to the BCP. The Board also noted that you acknowledged both entries and elected not to submit a statement. The Board determined that the contested entries were written and issued in accordance with the Marine Corps BCP/MAP Manual and Marine Corps Separation and Retirement Manual. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, and consequences for failure to take corrective action and it afforded you the opportunity to submit a rebuttal. In addition, your commanding officer (CO) signed the entry, as he/she was required to do.

The Board noted the correspondence from your current CO, and as the current CO as your current duty station, he/she was not the CO that assigned you to the BCP or the CO that issued your contested page 11 entries. The Board found your CO's correspondence unpersuasive. The correspondence failed to identify the administrative oversight that warranted your removal from the BCP and did not include evidence to support the statement. The Board also noted that your weight and body fat percentage noted on your contested, previous, and subsequent fitness reports constitute sufficient justification for your assignment to the BCP. The Board opined that your CO most likely relied upon the same erroneous argument put forth in your application and determined that your assignment to the BCP was valid. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting additional corrective action. 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, _____

3/5/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]