



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

[REDACTED]
Docket No. 2160-23
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1070/12K (IRAM)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) entry of 25 Jul 17

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 to remove an Administrative Remarks (Page 11) entry dated 25 July 2017 from his official military personnel file (OMPF).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 18 April 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, references (b) and (c), 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, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 25 July 2017, Petitioner was issued enclosure (2), a Page 11 entry, concerning his failure to achieve a 1st Class Physical Fitness Test (PFT) score after multiple attempts, resulting in his withdrawal from the Martial Arts Instructor Course (MAI). Petitioner acknowledged and signed the entry, but was not given the opportunity to submit a rebuttal.

c. Petitioner contends that upon checking into Drill Instructor School after a 30 day leave period, he was mandated to attend the MAI Course, where he was required to take a PFT. Petitioner further contends he had a PFT in the system over 30 days old, his unit never monitored a PFT prior to the course, and he met the standard set forth by the Marine Corps PFT Order. Petitioner believes the Page 11 is strictly an opinion and is invalid because the PFT Order allows all Marines to run a 1st through 3rd Class PFT.

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CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. In this regard, the Board noted that the Page 11 entry is not written in accordance with reference (b) as the Petitioner was not given an opportunity to submit a rebuttal. Furthermore, the Board determined that there is no requirement to issue a Page 11 for failure to achieve a 1st class PFT. As such, the Board concluded that the Page 11 is invalid and constitutes a material error, substantive inaccuracy, and injustice warranting removal from Petitioner's OMPF.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), his 25 July 2017, Page 11 entry from his OMPF.

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 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.

5/8/2023

