



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

█
Docket No. 7520-23

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
XXX XX █ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 6100.13A
(c) MCO 1900.16F w/CH 2

Encl: (1) DD Form 149 w/attachments
(2) █ Note of 25 May 2022
(3) NAVMC 118(11) Administrative Remarks of 9 Jun 22
(4) █ Outpatient Note of 14 Jun 22

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to remove the 9 June 2022, Administrative Remarks (page 11) entry.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 26 September 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 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 that, before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 25 May 2022, Petitioner was visited the Base Clinic complaining of left shoulder pain while performing pull-ups during the physical fitness test (PFT) that morning. Petitioner reported that during the PFT he had acute pain during the second pull-up. Petitioner was placed on 14-days light duty and was authorized to perform a partial PFT. Enclosure (2).

b. On 9 June 2022, Petitioner participated in a partial PFT and failed the three mile run portion of the PFT. On the same date, pursuant to reference (b) and paragraph 6105 of reference (c), Petitioner was issued a 6105 entry counseling for failing to achieve a passing score on the

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PFT. Petitioner was also notified that he is not recommended for promotion to staff sergeant (SSgt/E-6) for failing the PFT. Petitioner acknowledged both entries and elected not to submit a statement. Enclosure (3).

c. On 14 June 2022, Petitioner was seen for physical therapy due to a left shoulder strain and “possible labral injury”. Petitioner was placed on 30-days light duty. Enclosure (4).

d. In his application, Petitioner claims that he injured his rotator cuff during the pull-up portion of the PFT on 25 May 2022. Then, on 9 June 2022, during a partial PFT, the shoulder pain increased while performing planks. Petitioner contends that he was told that he still needed to completed the run, during the run, his decreased range of motion caused stabbing pain, which caused him stop running due to the extreme pain. Enclosure (1).

CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found the existence of an injustice warranting corrective action.

The Board noted enclosure (2) and found Petitioner’s evidence sufficient to establish that he was treated for left shoulder pain on the same date as the initial PFT and prior to the failed partial PFT. The Board also found Petitioner’s claim that the shoulder pain interfered with his ability to pass the run portion of the PFT convincing. The Board determined that it is reasonable to conclude that Petitioner’s medically documented shoulder injury contributed to his inability to pass the run portion of the PFT. The Board thus determined that the contested counseling entry for failing the PFT should be removed. Given the removal of the contested counseling entry, the Board also determined that the counseling entry notifying Petitioner that he is not recommended for promotion for the failed PFT should be removed.

RECOMMENDATION

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

Petitioner’s naval record be corrected by removing enclosure (3), Petitioner’s 9 June 2022, counseling entries.

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 Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

10/11/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]