



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 6191-01
17 August 2001

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

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

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 27 Jun 01 w/attachments
(2) HQMC PERB memo dtd 2 Aug 01 w/encl
(3) MCRC memo dtd 23 Jul 01
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the fitness report for 15 March to 14 August 2000, a copy of which is at enclosure (1). As indicated in enclosure (2), the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB) has directed removal of the contested fitness report, which documented Petitioner's relief for cause (RFC) from recruiting duty. He also requested removal of the draw case signal code "AM" (relieved SDA (special duty assignment)/career planner) from his service tour data file in the Marine Corps Total Force System. The HQMC Enlisted Assignment Branch (MMEA) has removed this code. Finally, he impliedly requested that his record be corrected by removing all other documentation of his RFC; showing that he was not removed from recruiter duty before the end of his tour; reinstating his 8411 recruiter military occupational specialty (MOS); and showing that his entitlement to SDA pay was not terminated on 20 March 2000. Copies of documents in his Official Military Personnel File (OMPF) concerning his RFC are at Tab A.

2. The Board, consisting of Messrs. Mazza and Novello and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 15 August 2001, 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, 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, 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. In correspondence attached as enclosure (3), the Marine Corps Recruiting Command has commented to the effect that Petitioner's request to remove documentation of his RFC has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

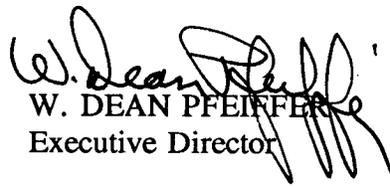
- a. That Petitioner's record be corrected by removing all documentation of his RFC from recruiting duty, to include the documents on his OMPF fiche S, row F, frames 7-14 and row G, frames 1 and 2.
- b. That his record be corrected further to show that he was not removed from recruiting duty before the end of his tour.
- c. That his record be corrected further by reinstating his 8411 recruiter MOS.
- d. That his record be corrected further to show his entitlement to SDA pay was not terminated on 20 March 2000.
- e. That 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.
- f. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

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.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

4191-01

IN REPLY REFER TO:
1610
MMER
2 Aug 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF GUNNERY SERGEANT
[REDACTED] USMC

Encl: (1) Copy of CMC ltr 1610 MMER/PERB of 2 Aug 01
(2) MCRC Advisory Opinion 1610 G-1 of 23 Jul 01

1. As evidenced by enclosure (1), PERB removed from Gunnery Sergeant [REDACTED] official military record, the fitness report for the period 000315 to 000814 (TR).

2. We defer to BCNR on the issue concerning Gunnery Sergeant [REDACTED] request for removal of the Relief for Cause package. Enclosure (2) is furnished to assist in resolving that matter. As a point of information, the Enlisted Assignment Branch (MMEA) of this Headquarters is eliminating the "AM" code from Gunnery Sergeant [REDACTED] Service Tour Data File.

[REDACTED]
[REDACTED]
Head, Performance Evaluation
Review Branch
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1610
MMER/PERB
2 AUG 2001

From: Commandant of the Marine Corps
To: Gunnery Sergeant [REDACTED] USMC

Subj: CORRECTION OF NAVAL RECORD

Ref: (a) MCO 1610.11C

1. Per the reference, the Performance Evaluation Review Board has reviewed allegations of error and injustice in your Naval record. Having reviewed all the facts of record, the Board has directed that your Naval record will be corrected by removing therefrom the following fitness report:

<u>Date of Report</u>	<u>Reporting Senior</u>	<u>Period of Report</u>
14 Aug 00	[REDACTED]	000315 to 000814 (TR)

2. There will be inserted in your Naval record a memorandum in place of the removed report. The memorandum will contain appropriate identifying data concerning the report and state that it has been removed by direction of the Commandant of the Marine Corps and cannot be made available in any form to selection boards and reviewing authorities. It will also state that such boards may not conjecture or draw any inference as to the nature of the report or the events which may have precipitated them, unless such events are otherwise properly a part of the official record. The Automated Fitness Report System (the data base which generates your Master Brief Sheet) will be corrected accordingly.

3. Since the remainder of your requests do not fall within the purview of this Headquarters, your case is being forwarded to the Board for Correction of Naval Records (BCNR) for final resolution. Additional inquiries should be made directly to that agency [REDACTED]

[REDACTED]
By direction



6191-01

UNITED STATES MARINE CORPS
MARINE CORPS RECRUITING COMMAND
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO:
1610
G-1
23 Jul 01

MEMORANDUM FOR THE PERFORMANCE EVALUATION REVIEW BOARD

Subj: ADVISORY OPINION IN THE CASE OF GUNNERY SERGEANT [REDACTED]
[REDACTED] USMC

Ref: (a) MMER r/s of 29 Jul 01

1. Per the reference, we were asked to review Gunnery Sergeant [REDACTED] petition for correction of his military record. After review, we find there is sufficient evidence to support amending the record, as requested.
2. Gunnery Sergeant [REDACTED] is relieved for cause from recruiting duty, during March 2000, based on the positive results of a urinalysis screening. At the time he was relieved, he was pending trial by special court-martial. In light of his subsequent acquittal at trial, we believe it is appropriate to remove the relief for cause package from Gunnery Sergeant [REDACTED] Official Military Personnel File.
3. The POC on this issue is [REDACTED]
[REDACTED]

[REDACTED]
Chief of Staff