



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

BJG
Docket No: 7592-01
13 December 2001

SSG [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear S [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2001. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 7 November 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director

Enclosure



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

IN REPLY REFER TO:
1070
MIFD
NOV 07 2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

1. Staff Sergeant [REDACTED]'s application with supporting documents has been reviewed concerning his request for removal of the weight control entry dated 940211 to 950126 from the Marine Corps Total Force System (MCTFS).

2. MCO 6100.10, Weight Control and Military Appearance, contains guidance in the assignment to the Marine Corps weight control and/or military appearance program. A commander must adhere to specific administrative procedures if a Marine has been determined to be overweight or their physical appearance does not meet acceptable Marine Corps standards by a medical evaluation.

3. MCO P1080.40, Marine Corps Total Force System Personnel Reporting Instructions Manual (MCTFSPRIM) provides guidance in reporting weight control and/or military appearance information into the MCTFS.

4. The following comments/opinions are provided:

a. Staff Sergeant [REDACTED] was required to receive a command directed medical evaluation from an appropriate credentialed health care provider prior to his assignment to the weight control program per MCO 6100.10. Lacking such documentation in his application, we cannot determine that an evaluation was conducted. Therefore, we are unable to provide an opinion whether or not his commander erroneously assigned him to the weight control program.

b. Staff Sergeant [REDACTED] commander was required to issue a letter advising him of his assignment to the weight control program per MCO 6100.10. This letter is part of the medical evaluation documentation and becomes the source document for recording in the MCTFS per the MCTFSPRIM. As with the medical evaluation noted above, this letter is not available for review. Therefore, we are unable to provide an opinion whether or not the weight control entry was reported erroneously in the MCTFS.

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c. Staff Sergeant [REDACTED] MCTFS record reveals that he was assigned to the weight control program on 19940211. This assignment must not exceed a period of six months. If satisfactory progress has been made, even though the weight goals have not been met, an extension of up to 6 months may be granted. Staff Sergeant [REDACTED] was subsequently extended on the weight control program on 19940823 and then removed on 19950126.

d. The MCTFS entries indicate that Staff Sergeant [REDACTED] was assigned to the weight control program for a period of six months. On 19940823, he was extended on the program and it can be presumed that he was making satisfactory progress yet did not meet the weight standards after the initial six month assignment.

e. Documented evidence to support Staff Sergeant [REDACTED] assignment to the weight control would be an official entry in his medical records recording the medical evaluation, and a copy of the medical evaluation and letter of assignment retained on file in the command's correspondence files.

f. Staff Sergeant [REDACTED] medical records were screened by his immediate supervisor and reported via EMAIL on 4 November 2001 that there was not an entry recording a medical evaluation.

g. Staff Sergeant [REDACTED]s commander was required to retain a copy of the medical evaluation and letter of assignment to the weight control program in the command's correspondence files for a period of two years. These files were destroyed locally after 31 December 1997.

h. Staff Sergeant [REDACTED] received three fitness reports during the period from 940210 to 950214. Comments in these evaluations do not reference his assignment to the weight control program. Additionally, it was noted in Staff Sergeant [REDACTED]s records that he was the recipient of a Letter of Appreciation award on six different occasions during this evaluation period.

i. Staff Sergeant [REDACTED] claims that this assignment to the weight control was improper and that procedures were not followed per the procedures set forth in MCO 6100.10.

j. Staff Sergeant [REDACTED] offers additional documented evidence, an EMAIL from HMC [REDACTED] to support his claim that he was not properly assigned to the weight control.

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[REDACTED] ISMC

k. Staff Sergeant [REDACTED] elutes the MCTFS weight control entry.

5. In view of the above, it is possible that Staff Sergeant [REDACTED] commander followed proper procedures based upon the unit diary reporting responsibility that is placed upon a commander per the MCTFSPRIM. Therefore, it is recommended that the Board for Correction of Naval Records disapprove Staff Sergeant [REDACTED] request for removal of the weight control entry from the MCTFS.

6. Point of contact [REDACTED]

[REDACTED]

Director
Manpower Management Information
Systems Division