



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

BJG
Docket No: 3527-02
23 December 2002

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 2 Apr 02 w/attachments
(2) Subject's MCTFS wt control entries
(3) HQMC MIFD memo dtd 2 Aug 02 w/encl
(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 Marine Corps Total Force System (MCTFS) entry reflecting his placement on weight control from 15 January to 5 May 1997. A printout of his MCTFS weight control entries, including the entry at issue, is at enclosure (2).

2. The Board, consisting of Messrs. Agresti, Milner and Zsalman, reviewed Petitioner's allegations of error and injustice on 18 December 2002, 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 HQMC office having cognizance over the subject matter of Petitioner's application has commented to the effect that his request to remove the MCTFS weight control entry in question has merit and warrants favorable action. This advisory opinion further recommends removing the service record page 11 ("Administrative Remarks (1070)") entry dated 17 January 2002 (copy enclosed with the advisory opinion), on the basis that this entry refers to the weight control placement at issue. This page 11 entry states that Petitioner was placed on weight control "twice previously." Enclosure (2) shows he was placed on weight control three times before 17 January 2002,

including the placement in question (it also shows placements from 18 August 1993 to 27 March 1994 and 28 March to 28 April 1994).

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting removal of the contested MCTFS weight control entry.

They do not accept the advisory opinion's recommendation to remove the page 11 entry dated 17 January 2002, as Petitioner did not expressly request this; and removal of the weight control placement at issue makes this page 11 entry correct in stating he was placed on weight control "twice previously."

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

RECOMMENDATION:

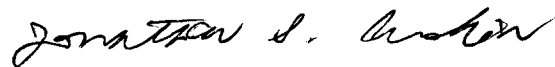
a. That Petitioner's naval record be corrected by removing the MCTFS entry reflecting that he was on weight control from 15 January to 5 May 1997.

b. 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.

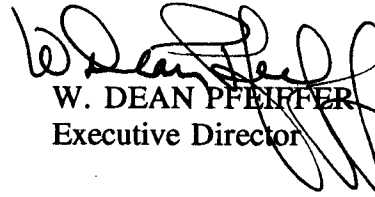
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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

IN REPLY REFER TO:
1070
MIFD
2 AUG 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Encl: (1) Copy of Administrative Remarks(1070) NAVMC 118(11)
Page 11 Counseling Entry Dated 17Jan02

1. Gunnery Sergeant [REDACTED] application with supporting documents has been reviewed concerning his request for removal of the weight control entry dated 19970115 to 19970505 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, and alternate maximum weight limits. 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.

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

4. The following comments/opinions are provided concerning the weight control entry dated 19970115 to 19970505 in the MCTFS.

a. Gunnery Sergeant [REDACTED] required to receive a command directed medical evaluation from an appropriate credentialed health care provider (ACHCP) prior to his assignment to the weight control program per MCO 6100.10.

b. An entry in Gunnery Sergeant [REDACTED] medical records dated 19960925 indicates that he was evaluated by Lieutenant Panagos, an ACHCP, and found to be over his maximum weight, not due to pathologic disorder. However, the Lieutenant continues with the entry by writing "over max weight, below body fat %. Waiver at command discretion."

c. An entry dated 19961002 in Gunnery Sergeant [REDACTED] medical records indicates that he was evaluated again by an ACHCP, Lieutenant [REDACTED] and "found to be over his maximum weight, fit to participate in training, and cleared for remedial physical training."

Subj: BCNR APPLICATION IN THE CASE OF GUNNERY SERGEANT

d. An entry dated 19970404 in Gunnery Sergeant [REDACTED] medical records indicates that he was evaluated for a third time by Lieutenant [REDACTED] an ACHCP, and found to be over his maximum weight, fit to participate in training, and cleared for remedial physical training. He was also provided with a dietary counseling during this visit.

e. It is possible that Gunnery Sergeant [REDACTED] commander followed the prescribed procedures set forth in MCO 6100.10 by requesting a medical evaluation from an ACHCP prior to reporting the information in MCTFS. However, the medical records do not specifically indicate why he had three medical evaluations other than that they were related to his weight. It can be presumed that these evaluations were the result of his commander's decision process to determine what course of action would be most appropriate in Gunnery Sergeant [REDACTED] case.

f. Gunnery Sergeant [REDACTED] fitness report for evaluation period of 970101 through 970430 contains information that he was authorized an alternate maximum weight limit as of 29 April 97 per MCO 6100.10. This report was reviewed by his unit Executive Officer (XO), who would possess information of those personnel assigned to the unit's weight control program assigned by the commander. Therefore, if Gunnery Sergeant [REDACTED] was assigned to the weight control program, this would be noted instead of the authorized alternate maximum weight limit.

g. The information that was reported in the MCTFS, assignment to weight control, appears to be an incorrect entry. As noted in subparagraph 4f above, what should have been reported in the MCTFS should be the authorized alternate maximum weight limit information.

5. MCO 6100.10 had an alternate weight allowance policy in effect during this time frame that was subsequently abolished on 1 October 1997. Therefore, corrections to the MCTFS concerning an authorized alternate maximum weight limit information can no longer be effected.

6. Gunnery Sergeant [REDACTED] experienced three medical evaluations and should have been authorized an alternate maximum weight limit or assigned to the weight control program immediately following the first evaluation. However, the MCTFS information shows that he was assigned to the weight control program on 19970115, three months after his second evaluation.

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

7. A proper page 11 counseling entry per paragraph 6105 of MCO P1900.16 would be appropriate if a Marine is subsequently assigned to the weight control program for the second time. However, a page 11 entry, enclosure (1), has been included in Gunnery Sergeant [REDACTED] OMPF that references the MCTFS weight control information he is requesting removal of.

8. In view of the above, it is recommended that:

a. The Board for Correction of Naval Records approve Gunnery Sergeant [REDACTED] request for removal of the weight control entry dated 19970115 to 19970505 from his records.

b. The Board for Correction of Naval Records remove the page 11 entry dated 17Jan02 from Gunnery Sergeant [REDACTED] records.

9. Point of contact [REDACTED]

[REDACTED]

Head, Manpower Information
Systems Field Support Branch,
Manpower Management Information
Systems Division