



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

JSR

Docket No. 8597-09

14 January 2010

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD (RECONSIDERATION)

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

Encl: (1) DD Form 149 dtd 4 Jun 09 w/attachments
(2) BJG Docket No: 5060-06 ltr dtd 7 Sep 06 w/encl
(3) MCRC memo dtd 20 Jul 09
(4) MCRC memo dtd 4 Jan 10
(5) 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 request dated 14 September 2000 for his relief for good of the service (GOS) from recruiting duty and all related documentation (copy at Tab A). Enclosure (2) shows his prior case (docket number 5060-06) requesting the same relief was denied on 7 September 2006.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 14 January 2010, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record [REDACTED] (sustained). 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 (MCRC) commented to the effect that the medical data found in the GOS correspondence should be removed from Petitioner's naval record, as it contains Health Insurance Portability and Accountability Act (HIPAA) information. In reply to a request to specify what material should be removed, MCRC provided enclosure (4), which recommends that all the GOS documentation be removed.

c. As a result of Petitioner's GOS relief from recruiting duty, his recruiter MOS (military occupational specialty) 8411 was voided, and his SDA (special duty assignment) pay was terminated. The GOS relief package on file in Petitioner's record includes a Commandant of the Marine Corps (CMC) message dated 3 November 2000, Subject: Relief for GOS C/O [case of] [Petitioner].

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds an error warranting partial relief, specifically, complete removal of the enclosures to the request for removal of all the GOS relief documentation except the CMC message. Notwithstanding the recommendation, in enclosure (4), to remove all the GOS relief documentation, the Board finds his record should document that he did have a GOS relief from recruiting duty, and that it was as a result of his relief that his recruiter MOS was voided and his SDA pay terminated. In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the Commanding Officer (CO), Recruiting Station Des Moines letter dated 14 September 2000, Subject: Relief for Good of Service of [Petitioner] with enclosures and all related documentation, except the CMC message dated 3 November 2000, Subject: Relief for GOS C/O [Petitioner].

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.

d. That the remainder of Petitioner's request be denied.

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