



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

JSR  
Docket No. NR2716-13  
10 October 2013

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 13 Sep 12 w/attachments  
(2) HQMC MMER/PERB memo dtd 19 Mar 13  
(3) HQMC MMER e-mail dtd 1 May 13  
(4) MCRC memo dtd 25 Sep 13  
(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 fitness report for 1 January to 20 February 2007 (copy at Tab A) and all documentation of his relief for cause (RFC) from duty as a canvassing recruiter (copy at Tab B). Enclosure (2) shows that the Headquarters Marine Corps Performance Evaluation Review Board (PERB) has directed removing the contested fitness report.

2. The Board, consisting of Messrs. Bey, Chapman and Green, reviewed Petitioner's allegations of error and injustice on 10 October 2013, 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. Petitioner was assigned to Recruiting Station New Jersey from 18 June 2004 to 20 February 2007. But for his RFC, he would have had a 36-month tour as a canvassing recruiter. On 26 January 2007, the Commanding General, Marine Corps Recruit Depot/Eastern Recruiting Region, Parris Island approved his RFC from duty as a canvassing recruiter and removal of his 8411 (recruiter) additional MOS (military occupational specialty). On 9 January 2007, his special duty assignment (SDA) pay was terminated.

c. Enclosure (3) reflects the basis for the PERB decision to direct removing the fitness report at issue.

d. In enclosure (4), the Marine Corps Recruiting Command has commented to the effect that Petitioner's request to remove 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 enclosure (4), the Board finds the existence of an injustice warranting the following corrective action:

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing all documentation of his RFC from duty as a canvassing recruiter, approved on 26 January 2007.

b. That his data in the Marine Corps Total Force System (MCTFS) and the Total Force Retention System (TFRS) be corrected accordingly.

c. That his record be corrected further to show he served continuously as a canvassing recruiter from 18 June 2004 to 17 June 2007.

d. That his record be corrected further to show his SDA pay was not terminated on 9 January 2007, but remained in effect until 17 June 2007.

e. That his record be corrected further to show his 8411 additional MOS was not removed.


f. That any material or entries 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.


g. 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.

  
For W. DEAN PFEIFFER  
Executive Director