



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

JSR  
Docket No. NP3524-13  
21 August 2014

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

- Encl: (1) DD Form 149 dtd 25 Mar 13 w/attachments  
(2) Subject's ltr dtd 24 Aug 13  
w/enclosures (8)-(19)  
(3) Subject's removed fitrept for 1 Dec 09 -  
30 Apr 10  
(4) HQMC e-mail dtd 26 Aug 13  
(5) HQMC MIQ memo dtd 18 Jul 13, JAM4 memo  
dtd 26 Aug 13 and JAR3 memo dtd 8 Jan 14  
(6) HQMC MIQ memo dtd 7 Apr 14  
(7) BUMED memo dtd 6 Jun 14  
(8) HQMC MIQ memo dtd 31 Jul 14  
(9) 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 from the Marine Corps Total Force System (MCTFS) data the Body Composition Program (BCP) assignment and removing from his Official Military Personnel File the service record page 11 ("Administrative Remarks (1070)") entries dated 26 February 2010 (copies at Tab A) and the BCP Evaluation Form (NAVMC 11621) (copy at Tab B).

2. The Board, consisting of Messrs. Hicks, Spooner and Swarens, reviewed Petitioner's allegations of error and injustice on 21 August 2014, 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. Enclosure (2) is additional evidence Petitioner provided in support of his application.

c. Enclosure (3) is Petitioner's fitness report whose removal was directed by the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB). Enclosure (4) reflects the basis for the PERB action.

d. In correspondence at enclosure (5), the Judge Advocate Division and MIQ, the HQMC offices with cognizance over the subject matter of Petitioner's case, have commented to the effect that the contested BCP Evaluation Form should be removed, but that the remainder of Petitioner's request should be denied.

e. In enclosure (6), MIQ recommended that an advisory opinion be obtained from the Bureau of Medicine and Surgery (BUMED).

f. In enclosure (7), BUMED commented to the effect that Petitioner's medical condition and resulting medication contributed to his weight gain.

g. In enclosure (8), MIQ commented to the effect that in light of enclosure (7), the contested BCP assignment and page 11 entries should be removed.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (5) and (8), the Board finds the existence of an error and injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing from his MCTFS data his assignment to the BCP.

b. That his record be corrected further by removing the service record page 11 ("Administrative Remarks (1070)") entries dated 26 February 2010. This is to be accomplished by physically removing the page 11 on which the entries appear, or completely obliterating the entries so they cannot be read, rather than merely lining through them.

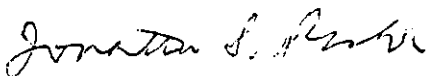
c. That his record be corrected further by removing the BCP Evaluation Form (NAVMC 11621).

d. 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.


e. 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.

  
ROBERT D. ZSALMAN  
Acting Executive Director