



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

*JSR*

JSR  
Docket No. NR8518-13  
20 March 2014

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

Subj: MSGT [REDACTED] USMC, [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 21 Jun 13 w/attachments  
(2) HQMC MMER/PERB memo dtd 18 Oct 13  
(3) HQMC JAM2 memo dtd 15 Jan 14  
(4) HQMC MIQ memo dtd 10 Feb 14  
(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 16 July 2011 to 30 June 2012 (copy at Tab A), the Unit Punishment Book (UPB) entry for his nonjudicial punishment (NJP) of 14 June 2012 (copy at Tab B), and the two service record page 11 ("Administrative Remarks (1070)") entries dated 18 June 2012 with his rebuttal dated 21 June 2012 (copies at Tab C). Enclosure (2) shows that the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board has directed removing the contested fitness report.

2. The Board, consisting of Messrs. Boyd, Chapman and Spain, reviewed Petitioner's allegations of error and injustice on 20 March 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. In correspondence attached as enclosures (3) and (4), HQMC JAM2 and MIQ have commented to the effect that Petitioner's request to remove the UPB entry and the page 11 entries with his rebuttal 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 enclosures (3) and (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 the UPB entry for his NJP of 14 June 2012.

b. That his record be corrected further by removing the two service record page 11 ("Administrative Remarks (1070)") entries dated 18 June 2012 and his rebuttal dated 21 June 2012. This is to be accomplished by physically removing the page 11 on which the entries appear and the rebuttal, or completely obliterating the entries and rebuttal so they cannot be read, rather than merely lining through them.

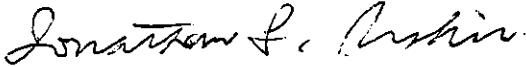
c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. 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.

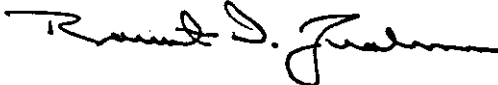
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the

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