



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

[REDACTED]  
Docket No. 8936-16  
AUG 14 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record (excerpts)  
(3) HQMC memo 1610 MMRP-13/PERB of 30 Sep 16

1. Pursuant to the provisions of reference (a) Petitioner, a staff sergeant in the Marine Corps, filed enclosure (1) with this Board requesting removal of his fitness report covering the period from 20150226 to 20150914, from his Official Military Personnel File (OMPF) and his Master Brief Sheet (MBS). Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 May 2017 and, pursuant to its regulations, determined that the partial 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 (1) was filed in a timely manner.

c. On 30 July 2015, Petitioner was required to travel from [REDACTED] to [REDACTED] and then on to [REDACTED] carrying a Crypto Ignition Key (CIK), Communication Security (COMSEC) material. Enroute to [REDACTED] Petitioner made a stop at his residence in [REDACTED] to change into civilian clothes from his Cammie uniform. Once Petitioner arrived at [REDACTED] he realized that he did not have the COMSEC material on his person and that he must have left it at his house in his Cammie blouse. Petitioner then telephoned a Marine back at [REDACTED] and asked her to go to his house to see if the CIK was in the pocket of his Cammie blouse. With Petitioner's authorization, the Marine was able to go to his house and have the property manager let her in, where she located the COMSEC

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material in Petitioner's Cammie blouse. The incident was reported the next day to the Electronic Key Management System Manager.

d. On 3 August 2015, the Commanding Officer, Marine Wing Support Squadron [REDACTED] ordered a Preliminary Investigation into the facts and circumstances surrounding Petitioner and the COMSEC material.

e. On 6 August 2015, the Investigating Officer (IO) reported his findings to the Commanding Officer. The IO's Summary of Findings state, in part, that Petitioner Contreras violated Marine Wing Support Squadron [REDACTED] Squadron Order 2280 by making unofficial stops at his home while transporting COMSEC material. Petitioner further violated Squadron Order 2280, and EKMS-1B-AMD-9, SECNAV M-550.36 Department of the Navy Information and Security Program by not maintaining constant personal custody of the COMSEC material under his charge.

f. The IO concluded that a loss or compromise of classified information did not occur, however, a security weakness or vulnerability is revealed due to the failure of Petitioner to comply with established security regulations.

g. The IO further recommended that the command counsel Petitioner for his failure to maintain accountability and custody of COMSEC material and for violating Squadron Order 2280 and EKMS-1B-AMD-9.

h. On 9 September 2015, Petitioner received an Administrative Remarks (Page 11) counseling regarding the COMSEC material incident. On 10 September 2015, Petitioner submitted a rebuttal statement.

i. Enclosure (3) submitted by the office having cognizance over the subject matter addressed in Petitioner's application, commented to the affect that the report was rendered adverse because Petitioner "took classified material to his personal residence and left the item unattended "as stated by the RS in the section G justification narrative box." Petitioner fails to substantiate that the report is invalid or unjust. The report is administratively and procedurally correct as written and Petitioner failed to meet the burden of proof necessary to establish an inaccuracy or injustice warranting its removal.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial action.

In this regard, the Board concludes that his RS's decision to issue Petitioner an adverse fitness report was appropriate, and is administratively and procedurally correct as written and filed. The Board further concluded that the removal of the report is not warranted, and that such action would be unfair to his peers, against whom he will compete for promotions and assignments. However, the Board found that the fitness report warranted partial correction by removing the

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word "classified" in Section G-3 line, and Section K-4 line 5 of the report ending 20150914 and replacing them with the word "COMSEC."

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

In Section G-3 line 1, the word "classified" is removed and replaced with "COMSEC." In Section K-4 line 5, the word "classified" is removed and replaced with "COMSEC."

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.

Note: Petitioner's request for removal of his fitness report covering the period 20150226-20150914 from his OMPF and his MBS is denied.

4. 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.

[REDACTED]  
Recorder

5. Pursuant to the delegation of authority set out in Section 6(c) 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.

[REDACTED]  
Executive Director