



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

[REDACTED]
Docket No: 9535-16

JUL 25 2017

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

Subj: REVIEW OF NAVAL RECORD IC [REDACTED] USMC, XXX-XX [REDACTED]

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

Encl: (1) DD Form 149
(2) Subject's naval record (excerpts)
(3) HQMC memo 1070 MIQ dtd 10 Mar 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted Marine, filed enclosure (1) with this Board requesting removal from his record, entries viewable on the D113 remarks screen in the Marine Corps Total Force System (MCTFS) documenting his assignment to weight control on three separate occasions between August 2005 and February 2007. 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 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. In addition, the Board considered the advisory opinion (AO) provided in enclosure (3).

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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. The D113 remarks screen in the MCTFS document Petitioner's assignment to weight control on three separate occasions from 16 August 2005 to 7 January 2006, 8 January 2006 to 14 May 2006, and 15 January 2006 to 14 February 2007. Petitioner contends that he has never been assigned to the Marine Corps Body Composition Program (BCP) and that the entries are erroneous. In support of his contention, Petitioner's submitted an advocacy letter from his acting Commanding Officer.

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d. The AO opined that Petitioner's weight control assignment entries are not in compliance with Marine Corps policy. Specifically, his command failed to properly screen or document the weight control assignment. Further, there are no medical evaluation forms or any required Administrative Remarks (Page 11) entries in Petitioner's records that document his assignment to the Marine Corps BCP. The AO recommended that the MCTFS entries be removed from Petitioner's record.

CONCLUSION. Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief by removing the MCTFS entries documenting his assignment to weight control on three separate occasions from 16 August 2005 to 7 January 2006, 8 January 2006 to 14 May 2006, and 15 January 2006 to 14 February 2007. In this regard, the Board acknowledged the advocacy letter submitted by the Petitioner and also concurred with the recommendation contained in the AO.

RECOMMENDATION. In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by removing from his record the MCTFS entries documenting his assignment to weight control on three separate occasions from 16 August 2005 to 7 January 2006, 8 January 2006 to 14 May 2006, and 15 January 2006 to 14 February 2007.

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.

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(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, 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