



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

[REDACTED]
Docket No: 130-17
JAN 03 2018

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

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

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149
(2) Subject's naval record (excerpt)

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted Marine, filed enclosure (1) with this Board requesting removal from her record, an Administrative Remarks (Page 11) promotion restriction entry.
2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 November 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.
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 issued a Page 11 promotion restriction entry dated 4 November 2013. The entry stated that she was eligible but not recommended for promotion to the rank of Sergeant for the month of December 2013 due to her recent page 11 entry. Petitioner was subsequently promoted to Sergeant on 1 January 2014.
 - c. In her application, Petitioner contended that the contested Page 11 entry is a promotion restriction entry that references, and is supposedly justified by a second Page 11 entry. However, the referenced second Page 11 entry is not in her official military personnel file (OMPF). Further, she elected to submit a rebuttal statement, but the rebuttal statement is not in her OMPF.

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XXX XX [REDACTED]

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief by removing the Page 11 promotion restriction entry dated 4 November 2013. In this regard, the Board noted that the only reason given in the entry for her promotion restriction was its reference to another Page 11 entry, although there are no other Page 11 entries relating to the contested Page 11 entry. Further, Petitioner indicated that she intended to submit a rebuttal statement, but there is no rebuttal statement in her OMPF. Thus, the Board concluded that the Page 11 entry at enclosure (2) shall be removed from Petitioner's OMPF. Additionally, the Board noted that this error may have either delayed or prevented Petitioner's promotion to Sergeant. Thus, the Board concluded that, although the correction to Petitioner's record was not made within one year of the error, Headquarters, Marine Corps (MMPR-2) shall conduct Petitioner's remedial promotion consideration to the rank of Sergeant for the month of December 2013, and if it is determine that Petitioner met the requirements for promotion, that her date of rank and effective date be adjusted to 1 December 2013, and that she be paid all back pay and allowances due.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing from her OMPF the Page 11 promotion restriction entry dated 4 November 2013. See enclosure (2).

Petitioner be considered for remedial promotion to the rank of Sergeant for the month of December 2013, and if it is determine that Petitioner met the requirements for promotion, that her date of rank and effective date be adjusted to 1 December 2013.

Note: If Petitioner's date of rank in the grade of Sergeant is adjusted from 1 January 2014 to 1 December 2014, Defense Finance & Accounting Service (DFAS) will complete an audit of her records to determine if she is due any back pay and allowances.

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

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

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