



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

[REDACTED]
Docket No: 7150-17
DEC 27 2017

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149
(2) Administrative Remarks (Page 11) Counseling entry of 6 Jan 17
(3) Administrative Remarks (Page 11) Counseling entry of 30 Mar 17
(4) CO, [REDACTED] Marine Corps District ltr of 21 Aug 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting the removal of two Administrative Remarks (Page 11) counseling entry dated 6 January 2017 and 30 March 2017, from his Official Military Personnel File (OMPF). Enclosures (1) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed the Petitioner's allegations of error and injustice on 25 October 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 Petitioner's application, together with all material submitted in support thereof, relevant portions of the Petitioner's naval record 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. On 6 January 2017, the Petitioner signed a Page 11 counseling which stated in part, that he failed to meet the minimum required FY17 Net APR of 1.3. The Petitioner has been on the sub-standard program since 29 April 2016, he has been given the necessary training, guidance, and counseling's to ensure his success during this period. See enclosure (2).

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c. On 30 March 2017, the Petitioner signed a Page 11 counseling which stated in part, that the Petitioner was counseled concerning his lack of effort and performance of his duties and responsibilities. Petitioner failed his objective as noted in the counseling of 6 January 2017 of writing 7 Net contracts in the last 90 days to meet the minimum required Net APR of 1.5. Petitioner had written only 4 NET new contracts in the last 6 months. See enclosure (3).

d. Petitioner contends that the proper procedures were not followed for both Page 11 entries as described by the Commanding General, Marine Corps Recruit Depot/Eastern Recruiting Region (CG, MCRD PI/ERR) Policy Letter 07-16, in that it requires the Commanding General's review of any imposition of adverse administrative action against E6 or higher.

e. Enclosure (4) states in part, per the Commanding General's policy letter of 07-16, prior approval from the CG, MCRD PI/ERR is required for a commander who desires to take adverse administrative action against all drill instructors, including those in the grade of E-5, and any enlisted member in the grade of E-6 or higher.

CONCLUSION:

Upon review and consideration of all the evidence of record and in light of enclosure (4), the Board concludes that there is an injustice in the record and the Petitioner's request warrants favorable action. In this regard, the Board substantially concurred with the comments contained in enclosure (4) and directs the removal of enclosures (2) and (3) from the Petitioner's OMPF.

In view of the foregoing, the Board recommends the following corrective action:

RECOMMENDATION:

Petitioner's naval record be corrected by removing enclosures (2) and (3) with the rebuttal statement from the Petitioner's OMPF.

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

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XXX XX [REDACTED]

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