



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

[REDACTED]
Docket No: 7869-17
DEC 27 2017

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

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

Ref: (a) 10 U.S.C. § 1552
(b) MCO P1610.7

Encl: (1) DD Form 149
(2) Fitness Report for the period 20160401 to 20160614
(3) HQMC MMRP-13/PERB Memo of 12 Sep 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his naval record be corrected by removing his fitness report covering the period 20160401 to 20160614 from his Official Military Personnel File (OMPF).

2. The Board, consisting of [REDACTED] reviewed 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 enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations and policies. In addition, the Board considered the action taken by Headquarters Marine Corps (MMRP-13/PERB) Memorandum dated 12 September 2017. Enclosures (1) through (3) apply.

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. The record reflects that the Petitioner was issued a Commandant of the Marine Corps (DC) fitness report for the reporting period 20160401 to 20160614. See enclosure (2).

c. Petitioner contends that the fitness report is invalid since the Unit Punishment Book (UPB) entry is not in his OMPF.

d. Enclosure (3) states in part, that the Petitioner's written rebuttal acknowledges the adverse nature of the fitness report, confirms the UPB entry and opined that the Petitioner failed to meet the burden of proof necessary to establish an inaccuracy or injustice warranting the removal of the fitness report.

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Petitioner's requests warrants favorable action. In this regard, the Board concludes that the fitness report covering the period 20160401 to 20160614 should be removed from the Petitioner's OMPF. The Board concluded that because there is no other reference of the Petitioner's UPB within his OMPF the fitness report should be removed.

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

RECOMMENDATION:

That Petitioner's naval record be corrected by removing therefrom the following officer fitness report and related material.

<u>Date of report</u>	<u>Reporting senior</u>	<u>Period of report</u>
20160728	[REDACTED]	From: 20160401 to 20160614

That there be inserted in the Petitioner's naval record a memorandum in place of the removed report, containing appropriate identifying data concerning the report; that such memorandum state that the report has been removed by order of the Secretary of the Navy in accordance with the provisions of federal law and may not be made available to selection boards and other reviewing authorities; and that such boards may not conjecture or draw any influences as to the nature of the report.

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. The foregoing action of the Board is submitted for your review and action.

[REDACTED]
Executive Director

Reviewed and Approved/Disapprove: [REDACTED]

1/17/2018