



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

██████████
Docket No. 3462-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 16 April 2024. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board carefully considered your request to remove the 6 May 2021 Administrative Remarks (Page 11) counseling entry and the associated Physical Fitness Test (PFT) score resident in Marine Corps Total Force System (D183). The Board considered your contention that pursuant to ██████████ 6200.1A, you were not afforded 6 weeks to acclimatize upon arrival to Okinawa, Japan. The Board did not consider your request to remove your fitness report for the reporting period 18 March 2021 to 14 June 2021 because you must first exhaust your administrative remedies. The Performance Evaluation Review Board (PERB) is the initial action agency for fitness report appeals; therefore, you must submit your request to the PERB according to the Marine Corps Performance Evaluation System Manual.

The Board noted that you executed Permanent Change of Station Orders (PCSO) to ██████████ ██████████ on 19 March 2021. On 27 April 2021, you conducted a PFT and failed the run portion of the PFT by failing to receive the minimum passing score. You signed the counseling entry and you were afforded you the opportunity to submit a rebuttal.

Regarding your contention that you were not afforded six weeks to acclimate pursuant to relevant policy, the Board noted the reference you provided is dated 28 February 2022 and the counseling entry in question was issued on 6 May 2021 before the order became effective. Regardless, the Board considered the guidance you provided which indicates the period of greatest risk for heat injury on [REDACTED] is 1 May to 31 October, and a supervisor and/or coworker will monitor identified individuals for Extreme Heat Injury (EHI) symptoms within the designated heat session, or when temperatures may be expected to exceed 80 degrees Fahrenheit. Next, the Board noted the reference directs Commanding Officers, Officers In Charge (OIC), and Civilian equivalents to *identify* new personnel arriving in country for the first six weeks after arrival, and directs leaders and individuals to monitor and/or report their EHI risk levels and symptoms without fear of reprisal at all times. Further, the Board noted enclosure (5) of the policy “*suggests*” a six week pre-deployment physical conditioning and acclimating program. Furthermore, the Board noted you ran the PFT, of your own volition, a few days shy of the six week suggested acclimatization period nor was the Board persuaded by the letter you provided from the [REDACTED] Medical Officer dated 20 March 2024 as it was provided almost three years later. Finally, the Board determined you provided insufficient evidence to determine that your PFT failure was directly related to an EHI for failure to properly acclimatize and you failed to provide sufficient evidence that the counseling entry was in error.

Concerning your contention the counseling entry was not signed by the CO in accordance with MCO 1900.16 (MARCORSEPMAN), the Board although noted the Company Commander signed the counseling entry, pursuant to the Marine Corps Individual Records Administration Manual (IRAM), you were properly counseled and determined the contested entry was sufficiently written and issued in accordance with the IRAM. The Board noted that you were issued a Page 11 entry counseling for failing a PFT. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, and consequences for failure to take corrective action and it afforded you the opportunity to submit a rebuttal. Moreover, the Company Commander signed the entry, and he/she determined that your misconduct was a matter essential to record, as it was his/her right to do and further determined your Company Commander relied upon sufficient evidence and acted within his/her discretionary authority when deciding that your counseling entry was warranted.

Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus concluded that the documentation of your Page 11, although incomplete, is valid, and does not constitute a probable material error or injustice warranting removal from your record.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

5/9/2024

