



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

[REDACTED]
[REDACTED] No. 5233-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) Petitioner's Page 11 Rebuttal Enclosures, [29 Oct 2021 – undated]
(3) Administrative Remarks (Page 11) entry, 29 Oct 2021
(4) BCNR [REDACTED] Docket No. 510-24, 28 Feb 2024

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting removal of the documents at enclosure (2) that accompanied the 29 October 2021 rebuttal to the Administrative Remarks (Page 11) entry at enclosure (3).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 May 2024, and pursuant to its regulations, determined 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.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued an Administrative Remarks (Page 11) counseling entry, on 29 October 2021 stating he had been assigned to the substandard performance program due to a production level below the Marine Corps Recruiting Command average. In response, he submitted a lengthy rebuttal dated 29 October 2021 that contained three enclosures. See enclosures (2) and (3).

c. On 28 February 2024, the Board directed Petitioner's record be corrected by removing the 29 October 2021 rebuttal to the 29 October 2021 Page 11 entry. See enclosure (4).

d. After corrective action was taken, Petitioner noted the enclosures included with the rebuttal remained in his official military personnel file (OMPF). He contends the enclosures,

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which are not officially attached to any documentation within his OMPF, do not present the sense of accountability he wishes others to review, especially a promotion board.

CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner's request warrants relief. The Board determined the previous Board intended for the rebuttal and the rebuttal enclosures to be removed. Therefore, the Board concluded it was in the interest of justice to remove the remaining enclosures from his OMPF.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), the 29 October 2021 rebuttal enclosures to the Administrative Remarks (Page 11) entry of 29 October 2021.

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.
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.

6/6/2024

