

DEPARTMENT OF THE NAVY

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

> Docket No. 6988-24 Ref: Signature Date



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 July 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 9 May 2024 Administrative Remarks (Page 11) 6105 counseling entry. The Board considered your contentions that the counseling entry states that "SNM was not available for signature" and it was placed in your record without your knowledge. You claim the lack of a fitness report is preventing your reenlistment. As evidence, you provided medical documentation dated 13 and 14 December 2023, respectively, that restricted physical exercises for six to eight weeks and exempted weigh-ins. You also provided a NAVMC 11622 "PFT/CFT" Performance Worksheet.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for failure to conduct the semi-annual height and weight for the July to December 2023 period. The Board also noted that the entry indicates, "SNM not available for signature" and "Petitioner has elected to drop to the IRR effective 14 May 24." The Board noted, too, that the contested entry was written according to the MARCORSEPMAN. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the entry.

The Board noted that the Individual Record Administration Manual states, "[t]he Marine will acknowledge the counseling entry." The Board determined that an exception to policy is warranted. The Board considered the different nature of Reserve units, the annotation that you dropped to the Individual Ready Reserve five days after the date of the counseling entry, and the CO's determination that your failure to conduct the required semi-annual weigh-in was significant to document. In this regard, the Board also noted that Marine Corps Total Force System height, weight, body fat screen indicates that your last weigh-in was 13 January 2021. According to the Marine Corps Body Composition and Military Appearance Program (BCP/MAP) Manual, the weigh-in is a calendar year annual requirement for all "Selected Marine Corps Reserve/Individual Mobilization Augmentee" Marines, and "Activated Reserve Marines, to include Active Reserve, mobilized or those performing Active Duty Operational Support will comply with the Active Component semi-annual weigh-in requirement." The Board noted the "PFT/CFT" worksheet you provided, however the Board found no evidence that your purported weigh-in by coordinated with or approved by your chain of command. The Board also noted the medical document exempting weigh-ins, the Board however, found no regulation or policy that authorizes an exemption to weigh-ins. According to the BCP/MAP Manual, "Commanders/OICs possessing Special Courts-Martial Convening Authority may submit a BCP assignment waiver for the "rare" Marine who exceeds established weight and body composition standards yet still presents a suitable military appearance." The Board found no evidence that you were assigned or being processed for assignment to BCP. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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.

