



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

█
Docket No. 8049-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
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Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149
(2) Fitness Report for the reporting period 1 January 2022 to 26 May 2022
(3) █ Memo, subj: Medical/BCP guidance ICO [Petitioner], 14 December 2022
(4) CO, █, 3574 BNS3 Memo, subj: Temporary Exemption from Assignment to Body Composition Program, 28 December 2022
(5) CMC 1610 MMPB-21D/PERB Memo, subj: Performance Evaluation Review Board (PERB) Decision ICO [Petitioner], 3 July 2024
(6) MMPB-23 1610 MMPB-23 Memo, subj: Performance Evaluation Review Board (PERB) Advisory Opinion ICO [Petitioner], 11 April 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, hereinafter referred to as the Board, requesting removal of the Fitness Report at enclosure (2).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 5 September 2024 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 record, and applicable statutes, regulations, and policies.

3. Having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found 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 (DON).

b. Petitioner was issued the Transfer (TR) Fitness Report at enclosure (2) for the reporting period 1 January 2022 to 26 May 2022. The report was adverse because she was not within body composition standards and, per the Reporting Senior's (RS) directed comments, had been assigned to the Body Composition Program (BCP). In her rebuttal to the RS's comments, Petitioner explained she had been seeking medical help. In his comments, the Reviewing Officer (RO) noted the report was adverse because Petitioner had been formally assigned to the BCP

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

following medical evaluation and the assignment had been acknowledged by her via an Administrative Remarks (Page 11) entry but not yet reflected in MCTIMS [Marine Corps Training Information Management System].

c. Petitioner contends she was erroneously placed on the BCP because “all of the information necessary to make the decision to be placed on the [BCP] was not complete at the time.” Further, she explained she “was dealing with numerous medical situations that [contributed] to the weight gain and later [were] diagnosed.” In support of her contentions, Petitioner submitted enclosure (3), a letter from her Primary Care Manager (PCM), explaining Petitioner had been diagnosed with polycystic ovarian syndrome which can make it harder to lose weight. Additionally, Commanding Officer, Headquarters and Support Battalion Marine Corps Installations [REDACTED], in a memorandum dated 28 December 2022, noted Petitioner’s height/weight on 2 March 2022 had “been identified to be due to a known side effect of current medication” and placed her on temporary exemption from assignment to the BCP for the second semi-annual period of calendar year 2022. Enclosures (1), (3) and (4).

d. A review of Petitioner’s Official Military Personnel File (OMPF) did not reveal a Page 11, as noted by the Fitness Report, placing Petitioner on the BCP. Further, a review of the Marine Corps Total Force System (MCTFS) did not reveal any height/weight control indications or assignment to the BCP. Lastly, review of Petitioner’s historical Fitness Reports, dating back to 31 December 2021, show Petitioner has been medically exempt from height/weight standards or had an approved temporary medical exemption for every reporting period between December 2021 and 30 September 2023 except the reporting period covered by the contested Fitness Report.

e. On 3 July 2024, the Performance Evaluation Review Board (PERB), enclosure (5), considered Petitioner’s application at enclosure (1). The PERB, considered the advisory opinion submitted to the PERB at enclosure (6) provided by Headquarters Marine Corps (MMPB 23) on 11 April 2024, and denied Petitioner’s request to remove the contested report.

CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner’s request warrants relief. The Board, noting the absence of documentation in Petitioner’s OMPF and MCTFS, determined the command, prior to completing Petitioner’s transfer to a new duty station, did not properly document or monitor assignment to the BCP. Without proper assignment, the adversity underlying the adverse Fitness Report does not exist and numerous statements within the RS directed comments, Petitioner’s statement, and the RO’s comments are inaccurate in light of the lack of proper documentation. Based on the available evidence, the Board concluded the Fitness Report is in error and, noting it is reasonable to believe the RS’s attribute markings/comments and the RO’s comparative assessment/comments reflect the now-invalid adversity, determined there is sufficient evidence of an error warranting removal of the contested report.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

RECOMMENDATION

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

Petitioner's naval record be corrected by removing the TR Fitness Report for the reporting period 1 January 2022 to 26 May 2022 at enclosure (2).

That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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 titled 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 Regulations, 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

9/25/2024

