



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

Docket No. 12185-24  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) counseling entry of 16 February 2024  
(3) [REDACTED] Memo, subj: Clarification of Medical Weight Standards  
Determination for [Petitioner], 19 July 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 Administrative Remarks (Page 11) counseling entry issued 16 February 2024.

2. The Board, consisting of [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 20 February 2025 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. On 16 February 2024, Petitioner was counseled for his "lack of responsibility" by failing to meet the established body composition standards. The Page 11 entry noted he was "in a full-duty status and didn't have medical paperwork granting a waiver or an exemption." Petitioner chose not to submit a written rebuttal statement. See enclosure (2).

c. By letter of 19 July 2024, Petitioner's primary care physician evaluated Petitioner due to his chronic weight gain concerns. During the encounter, the provider discovered Petitioner had been diagnosed with severe obstructive sleep apnea in May of 2024 which likely started in 2016 according to Petitioner's patient history. The physician noted the obstructive sleep apnea would "certainly be a contributing factor, if not main driver, of [Petitioner's] difficulty in maintaining Marine Corps weight standards." Further, the physician informed Petitioner's Commanding Officer that "[h]ad disclosure of [Petitioner's] obstructive sleep apnea been known during the

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[Body Composition Program (BCP)] review during the CY2023 timeframe, he would have been recommended for medical waiver from weight standards and appropriate treatment would have been initiated.” The physician advocated for Petitioner receiving a medical waiver for the calendar year 2023 (CY2023) timeframe. See enclosure (3).

d. Petitioner contends substantial evidence has been provided by a certified medical officer that shows that at the time of the Page 11, Petitioner suffered from undiagnosed severe obstructive sleep apnea which resulted in his failure to maintain body composition standards. He further contends the adverse fitness<sup>1</sup> report originally written due to his failure to maintain standards “was deleted and is no longer adverse.” See enclosure (1).

## CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner’s request warrants relief.

The Board, relying on enclosure (3) and the fitness report for the reporting period encompassing the issuance of the Page 11, determined it is in the interests of justice to remove the Page 11 at enclosure (2).

## RECOMMENDATION

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

Petitioner’s naval record be corrected by removing the Page 11 at enclosure (2) dated 16 February 2024.

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 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

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<sup>1</sup> A review of the fitness reports for the reporting periods 1 July 2023 to 5 January 2024 and 6 January 2024 to 30 June 2025 indicate Petitioner was “under a height/weight wavier during this reporting period due to medical exemption status” and “MRO has an approved BCP waiver effective 18 Jul 24.”

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

3/13/2025

[REDACTED]