



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 3976-99  
27 August 1999

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

Subj: GYSG [REDACTED], USM [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 8 Jun 99 w/attachments  
(2) HQMC MI memo dtd 23 Aug 99  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the Headquarters and Service Battalion (H&S Bn), III Marine Expeditionary Force (MEF) letter 1650 CO (Commanding Officer) of 27 November 1995, Subject: Personal Award Recommendation ICO (in case of) Petitioner. Petitioner's record also reflects a directly related document, an electronic mail (E-mail) transmission of 15 December 1995, Subject: NCM (Navy Commendation Medal) ICO Petitioner. The Board presumes Petitioner wants this document removed as well. Copies of the contested letter and the related E-mail are in enclosure (1) at Tab A.

2. The Board, consisting of Messrs. Lightle and Rothlein and Ms. Newman, reviewed Petitioner's allegations of error and injustice on 26 August 1999, 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, 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, finds 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.

b. In correspondence attached as enclosure (2), the Headquarters Marine Corps office having cognizance over the subject matter of Petitioner's request has commented to the effect that Petitioner's request to remove the contested letter has merit and warrants favorable action.

## CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

## RECOMMENDATION:

a. That Petitioner's record be corrected by removing the H&S Bn, III MEF letter 1650 CO of 27 November 1995, Subject: Personal Award Recommendation ICO Petitioner, and any related material, including the E-mail of 15 December 1995, Subject: NCM ICO Petitioner (C (Commendatory and Derogatory) microfiche, row C, frames 10 through 12).

b. 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.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director

3976-99



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1070  
MI  
23 Aug 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF GUNNERY SERGEANT [REDACTED]  
[REDACTED] USMC

1. We reviewed Gunnery Sergeant [REDACTED] application concerning his request for removal of derogatory material, the Commanding Officer, Headquarters and Service Battalion, III MEF Memorandum for the Record letter 1650 CO dated 27 Nov 95 from his Official Military Personnel File (OMPF).
2. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), chapter 1, authorizes administrative materials or documents to support the chronology of events of a Marine's history to be incorporated in the OMPF at Headquarters, U.S. Marine Corps (MMSB-20), as well as the Service Record Book. The OMPF is structured into distinct data areas, to include a Commendatory/Derogatory Data area, for material reflecting favorably or adversely on the Marine.
3. The following comments concerning the derogatory Memorandum for the Record letter 1650 CO dated 27 Nov 95 are provided:
  - a. All relevant adverse material forwarded to the Commandant of the Marine Corps (CMC) (MMSB-20) is subject to rules per MCO P1070.12H, paragraph 1000.5.c. CMC will microfiche correspondence containing adverse material that the person reported on has had the opportunity to contest, explain, or rebut, whether at a personal hearing or by statement, without additional referral to the individual.
  - b. The letter reflects unfavorably upon Gunnery Sergeant [REDACTED] professional qualifications.
  - c. The letter qualifies as "other reports, statements, or correspondence of a military nature" per paragraph 1000.5.c(2).
  - d. The derogatory material was not contested, explained, or rebutted nor is there an indication that Gunnery Sergeant [REDACTED] was afforded the opportunity.

Subj: BCNR APPLICATION IN THE CASE OF GUNNERY SERGEANT [REDACTED] SMC

e. The letter was issued nine months after Gunnery Sergeant [REDACTED] transferred from the unit. It is noted that there were eight fitness reports produced on Gunnery Sergeant [REDACTED] during the time frame referenced in the letter and no comments were made on any one nor is there an Administrative Remarks page 11 entry forming an essential and permanent part of Gunnery Sergeant [REDACTED] military history that the issuing officer had ample opportunity to record.

f. Gunnery Sergeant [REDACTED] included in his BCNR application documents and relevant statements from his chain of command during the period referenced in the letter that distinctly refutes the substance of the adverse material.

4. In view of the above, it is recommended that Gunnery Sergeant [REDACTED] request for removal of derogatory material, the Commanding Officer, Headquarters and Service Battalion, III MEF Memorandum for the Record letter 1650 CO dated 27 Nov 95 be approved.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Her [REDACTED] Items  
File [REDACTED]  
Manpower Management Information  
System Division  
By direction of the  
Commandant of the Marine Corps