



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

CRS
Docket No: 6863-00
9 August 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 August 2001. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered two advisory opinions furnished by Headquarters Marine Corps, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



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

IN REPLY REFER TO:

1070
CMT
22 May 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED]

Encl: (1) [REDACTED] DD Form 149 of 9 Sep 00

1. The enclosure has been reviewed by this office. We concur with the advisory opinion provided by the Director, Manpower Management Information Systems Division on 11 May 2001.

2. The point of contact concerning this matter is [REDACTED]
[REDACTED] at commercial (703) 784-0547 or
DSN: 278-0547.

[REDACTED]
[REDACTED]
By direction



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

IN REPLY REFER TO:

1070

MIFD

MAY

2001

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF PRIVATE [REDACTED]

Encl: (1) Copy of Administrative Remarks (1070) NAVMC 118(11)b

1. We reviewed [REDACTED] application concerning his request for removal of six Administrative Remarks (1070) NAVMC 118(11) page 11 entries dated 980404 (2), 980510, 980519, and 980801 (2) from his service records.

2. MCO P1070.12, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 which are considered matters forming an essential and permanent part of a Marine's military history, which are not recorded elsewhere in the Service Record Book (SRB), medical records, or the Marine's automated record.

3. The following comments/opinions concerning these page 11 entries are provided:

a. Private Jacob received eight page 11 entries due to his unsatisfactory participation and failure to attend scheduled reserve drills, page 11 entries that are required by MCO P1001R.1, Marine Corps Reserve Administrative Manual (MCRAMM).

b. [REDACTED] received two page 11 entries concerning his eligibility but not recommended for promotion to Lance Corporal, page 11 entries that are authorized by the IRAM.

c. These counseling entries do meet the elements of a proper page 11 counseling in that they list deficiencies, recommendations for corrective action, where assistance can be found, and states that Private Jacob was provided the opportunity to make a rebuttal statement. Additionally, he was afforded an opportunity to annotate whether or not he chose to make such a statement and if made, a copy of the statement would be filed in the service record. Private Jacob acknowledged these entries by his signature, however, he inconsistently elected to annotate whether he chose "to" or "not to" make a statement in rebuttal.

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

d. [REDACTED] official military personnel files contained another page 11 (enclosure (1)) that has four additional counseling entries pertaining to his failure to attend scheduled reserve drills.

e. [REDACTED] received an administrative separation as a result of his inconsistent drill attendance.

f. It appears that [REDACTED] commander followed published policies and procedures.

4. In view of the above, it is recommended that:

a. The Board disapprove [REDACTED]'s request for removal of six Administrative Remarks (1070) NAVMC 118(11) page 11 entries dated 980404 (2), 980510, 980519, and 980801 (2) from his service records.

b. We defer further advisory opinion concerning Private Jacob's claim that these page 11 entries are in error or unjust to the cognizant Headquarters Marine Corps Division, RA.

5. Point of contact is [REDACTED] at DSN 278-9049.

[REDACTED]
Director
Manpower Management Information
Systems Division



ADMINISTRATIVE REMARKS (1070)

DATE	DATE
Articles UCMJ explained to me this date as required by Article 137, UCMJ	Articles UCMJ explained to me this date as required by Article 137, UCMJ
(Signature)	(Signature)

98069: I HAVE BEEN COUNSELED THIS DATE CONCERNING THE FOLLOWING DEFICIENCIES: INCONSISTENT DRILL ATTENDANCE DUE TO NOT FOLLOWING APPROPRIATE PROCEDURES AND NOT USING THE CHAIN OF COMMAND PROPERLY. YOU ARE ADVISED THAT AFTER ACKNOWLEDGEMENT OF THIS ENTRY THAT A REBUTTAL COULD BE SUBMITTED AND THAT SUCH A STATEMENT WILL BE FILED ON THE DOCUMENT SIDE OF THE SERVICE RECORD. I CHOOSE (TO) (NOT TO) MAKE SUCH A STATEMENT.

SNM [REDACTED]

98071: I HAVE BEEN COUNSELED THIS DATE CONCERNING THE FOLLOWING DEFICIENCIES: INCONSISTENT DRILL ATTENDANCE DUE TO NOT FOLLOWING APPROPRIATE PROCEDURES AND NOT USING THE CHAIN OF COMMAND PROPERLY. YOU ARE ADVISED THAT AFTER ACKNOWLEDGEMENT OF THIS ENTRY THAT A REBUTTAL COULD BE SUBMITTED AND THAT SUCH A STATEMENT WILL BE FILED ON THE DOCUMENT SIDE OF THE SERVICE RECORD. I CHOOSE (TO) (NOT TO) MAKE SUCH A STATEMENT.

SNM [REDACTED]

98069 : Counseled this date concerning deficiencies in unexcused absences. For drills dated 980606, 990007. specific recommendations for corrective action MAKE UP DRILLS AND READ YOUR MARINE CORPS BASIC ESSENTIAL SUBJECTS HANDBOOK via chain of command. and advised that failure to take corrective action may result in administrative separation or judicial proceedings.

SNM [REDACTED]

980712: I HAVE BEEN COUNSELED THIS DATE CONCERNING THE FOLLOWING DEFICIENCIES: INCONSISTENT DRILL ATTENDANCE DUE TO NOT FOLLOWING APPROPRIATE PROCEDURES AND NOT USING THE CHAIN OF COMMAND PROPERLY. YOU ARE ADVISED THAT AFTER ACKNOWLEDGEMENT OF THIS ENTRY THAT A REBUTTAL COULD BE SUBMITTED AND THAT SUCH A STATEMENT WILL BE FILED ON THE DOCUMENT SIDE OF THE SERVICE RECORD BOOK. I CHOOSE (TO) (NOT TO) MAKE SUCH A STATEMENT.

SNM [REDACTED]

CERTIFIED TRUE COPY

NAME (last, first, middle)	SSN
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NAVMC 118(11) (REV. 3-82) SN: 0000-00-000-2706 U/I: PADS OF 100
PREVIOUS EDITIONS WILL BE USED

contd. on suppl. pag -
* U.S. GPO: 1990-741-515

ENCLOSURE (/)