



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

BJG
Docket No: 3710-02
19 June 2003

SSG [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested removal of three handwritten notes, the fitness report for 21 November 1998 to 31 March 1999, and a service record page 11 counseling entry dated 23 March 1999.

It is noted that the Commandant of the Marine Corps (CMC) has directed removal of the only handwritten notes found in your record, as well as the contested fitness report.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 June 2003. 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 the memorandum from the Headquarters Marine Corps (HQMC) Performance Evaluation Review Branch dated 10 April 2002 with enclosure, the advisory opinion from the HQMC Manpower Management Information Systems Support Division (MIFD) dated 22 July 2002, the memorandum from the HQMC Records Correspondence Section (MMSB-13) dated 10 December 2002 with enclosure, and the memorandum for the record dated 17 June 2003, copies of which are attached. The Board also considered your undated letter supporting your request to remove the page 11 entry at issue, as well as an undated letter from your current spouse.

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 opinion from MIFD in finding the contested page 11 entry should stand. The Board was unable to find the upheaval of the two commands occurred because of mishandling of incorrect information by your sergeant major. The Board likewise was unable to find you

did not commit marital infidelity. Finally, the Board observed that you may submit to HQMC (Code MMSB) a rebuttal for placement in your Official Military Personnel File with the contested entry. In view of the above, your application for relief beyond that effected by CMC 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:
1600
MMER
10 Apr 02

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Encl: (1) Copy of CMC ltr 1610 MMER/PERB of 4 Apr 02

1. As evidenced by the enclosure, PERB removed from Staff Sergeant [REDACTED] official military record his fitness report for the period 981121 to 990331 (AN).
2. We defer to BCNR on the remainder of Staff Sergeant [REDACTED]'s requests.

[REDACTED]

Head, Performance Evaluation
Review Branch
Personnel Management Division
By direction of the
Commandant of the Marine Corps



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

IN REPLY REFER TO:
1610
MMER/PERB
APR 4 2002

From: Commandant of the Marine Corps
To: Staff Sergeant [REDACTED] USMC

Subj: CORRECTION OF NAVAL RECORD

Ref: (a) Your DD Form 149 of 8 Jan 02
(b) MCO 1610.11C
(c) MCO P1400.32C (Chapter 3)

1. This responds to your request contained in reference (a).
2. Per the provisions of reference (b), the Performance Evaluation Review Board has reviewed allegations of error and injustice in your Naval record. Having reviewed all the facts of record, the Board has directed that your Naval record will be corrected by removing therefrom the following fitness report:

<u>Date of Report</u>	<u>Reporting Senior</u>	<u>Period of Report</u>
21 Jul 99	[REDACTED]	981121 to 990331 (AN)

3. There will be inserted in your Naval record a memorandum in place of the removed report containing appropriate identifying data concerning said report. The memorandum will state that the report has been removed by order of the Commandant of the Marine Corps and may not be made available to selection boards and other reviewing authorities; that such boards may not conjecture or draw any inference as to the nature of the report. The Performance Evaluation System will be corrected accordingly.
4. If you believe the fitness report identified in paragraph 2 above adversely affected your consideration by a regularly convened selection board, your proper recourse is to inquire with the Enlisted Promotion Section (MMPR-2) as to your eligibility for remedial promotion consideration under the provisions of reference (c).
5. Since your request for removal of the page 11 entry does not fall under the purview of this Headquarters, your case is being forwarded to the Board for Correction of Naval Records (BCNR) for final resolution. Further inquiries should be made directly to that agency at (703) 614-9851.





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

IN REPLY REFER TO:
1070
MIFD
22 JUL 2002

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

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

Encl: (1) Copy of the Commanding Officer's Screening/Interview
Guide

1. We reviewed Staff Sergeant [REDACTED] application and supporting documents concerning his request for removal of the three hand written notes from the documents on his OMPF and the page 11 entry dated 990323 from his service records.

2. MCO P1070.12J, 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) or the Marine's automated record.

3. MCO 1610.12, the U.S. Marine Corps Counseling Program states that:

a. "Counseling is that part of leadership which ensures, by mutual understanding, that the efforts of leaders and their Marines are continuously directed toward increased unit readiness and effective individual performance.

b. Increase individual performance and productivity through counseling and thereby increases unit readiness and effectiveness.

c. Counseling enhances the leader's ability to improve the junior's performance."

4. One of the many leadership tools that a commander has at their disposal is counseling and rehabilitation for their Marines. Marine Corps policy is that reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings and that the commander is authorized to document those efforts by a page 11 counseling entry per the IRAM. The Marine Corps Separation Manual (MCO P1900.16), paragraph 6105, sets forth policy pertaining to counseling and rehabilitation.

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

In cases involving unsatisfactory performance, pattern of misconduct, or other basis requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records.

5. The following comments/opinions concerning the page 11 entry dated 990323 are provided:

a. The counseling entry does meet the elements of a proper page 11 counseling. It lists deficiencies, recommendations for corrective action, available assistance, and states that Staff Sergeant [REDACTED] was provided the opportunity to make a rebuttal statement. Additionally, the entry affords him 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 Book (SRB).

b. Staff Sergeant [REDACTED] acknowledged the counseling entry by his signature, however, it is noted that during his decision to indicate whether he will choose "to" or "not to" make a statement in rebuttal, it appears that he may have changed his original decision "to" make a statement and chose "not to" make a statement.

c. Staff Sergeant [REDACTED] claim that his records are in error or unjust because he was not "found guilty under the Uniform Code of Military Justice." is not supported by the IRAM and MCO 1610.12.

d. Staff Sergeant [REDACTED] commander utilized all available leadership tools as stated in paragraph 3 and 4 above, and followed proper procedures authorized by the IRAM in documenting those actions with a page 11 counseling entry.

e. Staff Sergeant [REDACTED] commander followed all prescribed policies and procedures set forth in the IRAM and MCO 1610.12.

6. The following comments/opinions concerning the three hand written notes from the documents on his OMPF are provided:

a. A thorough review of Staff Sergeant [REDACTED]'s OMPF was conducted and the documents included in enclosure (1) were the only handwritten documents found to be on file.

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

b. Disposition instructions are contained in MCO 1326.6 and filing these documents Staff Sergeant [REDACTED] OMPF are not authorized per the IRAM and MCO 1326.6.

c. The enclosure is forwarded to the Board for Corrections of Naval Records for information.

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

a. The Board for Correction of Naval Records disapprove Staff Sergeant [REDACTED] request for removal of the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 990323 from his service records.

b. The Board for Correction of Naval Records note that Staff Sergeant [REDACTED] did not include in his application nor specify what three hand written notes be removed from his OMPF, therefore, it is not known if those documents contained in the enclosure are those notes.

c. If the Board for Correction of Naval Records finds that Staff Sergeant [REDACTED] records are in error or an injustice was committed, approve his request to remove the Administrative Remarks (1070) NAVMC 118(11) page 11 entry dated 990323 from his service records.

8. Point of contact is [REDACTED]

[REDACTED]

Director,
Manpower Management Information
Systems Support Division



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
PERSONNEL MANAGEMENT SUPPORT BRANCH (MMSB)
2008 ELLIOT ROAD
QUANTICO, VA 22134-5030

IN REPLY REFER TO
1070
MMSB-13
10 Dec 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: ADVISORY OPINION; CASE OF STAFF SERGEANT
[REDACTED] MC

1. Staff Sergeant [REDACTED] OMPF has been
administratively corrected. A letter was mailed to his
command on this date. A copy of is attached for your
information.

[REDACTED]

Head
Records Correspondence Section
Personnel Management Support Branch
By direction of the
Commandant of the Marine Corps

NOTIFICATION OF CHANGE
IN MARINE'S OFFICAL RECORD

1070
MMSB-13
DATE: 10 Dec 2002

TO: COMMANDING OFFICER
MARINE CORPS SECURITY FORCE CO
NAVAL SUBMARINE BASE
KINGS BAY GA 31547

FROM: Commandant of the Marine Corps
Headquarters U.S. Marine Corps
2008 Elliot Rd Suite 214
Quantico VA 22134-5030

NAME (Last, First, Middle) SSN GRADE COMPONENT
USMC

REF:

ENCL:

- () DD FORM 4 OR 4C-ENLISTMENT OR REENLISTMENT AGREEMENT
- () DD FORM 1966-APPLICATION FOR ENLISTMENT
- () NAVMC 321A-AGREEMENT TO EXTEND ENLISTMENT
- () NAVMC 763-APPOINTMENT ACCEPTANCE AND RECORD

1. The following change has been recorded in the subject-named Marine's record indicated above. Correct all documents held by your activity. MAKE CORRECTIONS TO THE UNIT DIARY IF REQUIRED.

a. Authority is granted to administratively correct Staff Sergeant [redacted]'s Service Record Book, where appropriate, by removing CMC Msg 191001Z Mar 99 and VMAQ-4 Career Planner Memo of 990804.

2. Any material or entries inconsistent with or relating to the above recommendation should be corrected, removed or completely expunged from Staff Sergeant [redacted] record.

3. Please note that this letter is not to be filed in Staff Sergeant [redacted] SRB.



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: (703) 614-2293 OR DSN 224-2293
FACSIMILE: (703) 614-9857 OR DSN 224-9857

MEMORANDUM FOR THE RECORD

DATE: 17JUN03

DOCKET NO: 3710-02

PETITIONER (PET): [REDACTED] USMC

PARTY I CA [REDACTED]

TEL #: N/A

WHAT I SAID: I ASKED DAHRIE WHY THE PERB REMOVED PET'S ADVERSE FITREP FOR 21NOV98-31MAY99.

WHAT PARTY SAID: DAHRIE INFORMED ME THAT THE ONLY REASON THE PERB REMOVED THE FITREP WAS BECAUSE IT DISCUSSED MARITAL INFIDELITY. WHICH OCCURRED OUTSIDE THE REPORTING PERIOD.

B. George
BRIAN J. GEORGE