



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

JSR

Docket No: NR838-14

30 October 2014

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 17 Oct 13 w/attachments
(2) HQMC JPL memo dtd 15 Aug 14
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that her naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 17 July 2009 with her rebuttal dated 21 July 2009 (copies at Tab A).

2. The Board, consisting of Messrs. Exnicios, Ivins and Spain, reviewed Petitioner's allegations of error and injustice on 30 October 2014. Pursuant to the Board's regulations, the Board 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 which were available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. The contested entry counseled Petitioner for "A developing trend of forming unduly friendly relationships

bordering on fraternization with Senior Marines." The entry further stated "Since your arrival at this command you have been involved with three separate command investigations. All three of these reveal an inappropriate junior senior relationship which contributed to the initiation of said investigations."

d. Petitioner contends that in the case of two of the three investigations, she was the victim, in that she had been sexually assaulted and harassed. She alleges that the contested entry was issued in reprisal for her having reported these crimes against her.

e. In enclosure (2), the Headquarters Marine Corps Military Personnel Law Branch, Judge Advocate Division commented to the effect that Petitioner's request should be denied, because her allegations are unsubstantiated.

CONCLUSION:

Upon review and consideration of all the evidence of record, notwithstanding enclosure (2), the Board finds an injustice warranting the requested relief. The Board finds that Petitioner did not do anything to warrant the contested derogatory entry, which is highly prejudicial to her career advancement. In this regard, the Board particularly notes that the entry refers to relationships only "bordering on [emphasis added] fraternization." In view of the above, the Board recommends the following corrective action:

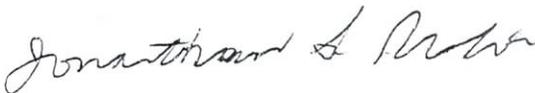
RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 17 July 2009 and her rebuttal dated 21 July 2009. This is to be accomplished by physically removing the page 11 on which the entry appears and the rebuttal, or completely obliterating the entry and rebuttal so they cannot be read, rather than merely lining through them.

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 be added to the record in the future.

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.



JONATHAN S. RUSKIN
Recorder

5. The foregoing report of the Board is submitted for your review and action.



ROBERT J. O'NEILL

Reviewed and approved:



11/5/14

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