



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

Docket No: 8164-16  
AUG 28 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USMC XXX-XX [REDACTED]

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 w/attachments  
(2) Case summary  
(3) Administrative Remarks (Page 11) entry of 9 Feb 16  
(4) Administrative Remarks (Page 11) entry of 23 Feb 16  
(5) MIQ ltr of 22 Mar 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting removal of the Administrative Remarks (Page 11) counseling entries dated 9 February 2016 and 23 February 2016 from his Official Military Personnel File (OMPF). Enclosures (1) through (5) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 May 2017, 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. In addition, the Board considered enclosure (5).

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. On 9 February 2016, a Page 11 counseling was issued to Petitioner. The Page 11 counseling entry stated, in part, that Petitioner tested positive for opiates, cannabis, and methamphetamine upon admission to the hospital.

c. On 23 February 2016, a Page 11 counseling was issued to Petitioner. The entry stated, in part, that Petitioner tested positive for opiates, cannabis, and methamphetamine on 18 October 2015.

d. On 22 June 2016, an administrative discharge board (ADB) determined, by majority vote, that Petitioner did not commit misconduct.

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e. Enclosure (5), a letter from Headquarters Marine Corps states, in part, that the Page 11 entries were unjust since Petitioner had been cleared of the allegations at an ADB.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (5), the Board concludes Petitioner's request warrants favorable action.

The Board concludes the Page 11 counseling warnings dated 9 and 23 February 2016, should be removed from Petitioner's OMPF.

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

RECOMMENDATION:

That Petitioner's naval record be corrected by removing the Page 11 counseling entries dated 9 and 23 February 2016, from his OMPF.

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.

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.

[REDACTED]  
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 Regulation, 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.

[REDACTED]  
Executive Director