



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

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Docket No. 6051-20  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
XXX XX █ USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO P1070.12K

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (page 11) 6105 counseling entries of 27 Feb 19  
(3) Administrative Remarks (page 11) 6105 counseling entries of 13 Mar 19  
(4) Administrative Remarks (page 11) 6105 counseling entries of 21 Mar 19  
(5) Administrative Remarks (page 11) 6105 counseling entries of 14 Nov 19  
(6) Administrative Remarks (page 11) 6105 counseling entries of 13 Dec 19  
(7) NAVMC 10132 Unit Punishment Book entry of 21 March 2019  
(8) CO, █ Battalion memo 5800 S-1 of 23 Oct 19

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected by removing a unit punishment book entry (UPB) of 21 March 2019, and Administrative Remarks (page 11) 6105 counseling entries of 27 February 2019, 13 March 2019, 21 March 2019, 14 November 2019, and 13 December 2019 from her official military personnel file (OMPF).

2. The Board, consisting of Mr. Cash, Mr. Schroeder, and Mr. Milligan, 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, relevant portions of Petitioner's 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, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner received two Administrative Remarks page 11 entries on 27 February 2019, enclosure (2), and 13 March 2019, enclosure (3), stating that she had been selected, but would not be promoted to Corporal because of pending legal action. Petitioner received two page 11 entries on 21 March 2019, enclosure (4). One entry documented her Battalion Level Non-

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Judicial Punishment (NJP) for violating Article 113a – Drunken or reckless operation of a vehicle; specifically that on 10 February 2019 she received a citation for Driving Under the Influence (DUI) with a BAC of .10. The second entry stated that she was on a promotion restriction status for 12 months due to her Battalion NJP. Petitioner received 2 additional 6105 counseling entries; one on 14 November 2019, enclosure (5), and the second on 13 December 2019, enclosure (6), for being eligible but not recommended for promotion to Corporal for December 2019 and January – March 2020 for the latter.

c. Petitioner contends that the page 11 entries are invalid as the commanding officer, who issued the page 11 entries and was also the NJP authority, set aside the non-judicial punishment on 23 October 2019, enclosure (8), and requested removal from Petitioner’s official record all mention of the 21 March 2019 NJP hearing.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner’s request warrants relief. The Board noted that the commanding officer, who discovered unusual and mitigating circumstances regarding the incident, requested that enclosure (7) and all records referring to the NJP be removed from Petitioner’s OMPF. The Board thus concluded that Petitioner’s UPB entry of 21 March 2019 and page 11 entries of 27 February, 13 March, 21 March, 14 November, and 13 December 2019 shall be removed.

## RECOMMENDATION

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

Remove Petitioner’s unit punishment book entry of 21 March 2019.  
Remove Petitioner’s page 11 counseling entry of 27 February 2019.  
Remove Petitioner’s page 11 counseling entry of 13 March 2019.  
Remove Petitioner’s page 11 counseling entries of 21 March 2019.  
Remove Petitioner’s page 11 counseling entry of 14 November 2019.  
Remove Petitioner’s page 11 counseling entry of 13 December 2019.

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.

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)),

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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] 7/6/2021

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Executive Director  
Signed by: [REDACTED]