



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

█  
Docket No. 7109-20  
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 w/ ch 1

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (6105) counseling entry undated  
(3) █ rebuttal dated 3 Oct 14  
(4) Investigating Officer Report dated 10 Jul 13

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 an Administrative Remarks (6105) counseling, enclosure (2), from her official military personnel file (OMPF).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 27 July 2021 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, 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 enclosure (2), a 6105, for being charged with reckless driving on 25 June 2013 for falling asleep while operating a Government Motor Vehicle (GMV) and getting into an accident. Petitioner contends enclosure (2) is inaccurate, in violation of reference (b), and unjust as the civilian court dismissed her reckless driving charge. Petitioner notes that the 6105 is not dated and that her rebuttal of 3 October 2014, enclosure (3), was not included in her OMPF. Petitioner further argues that enclosure (4), the Investigative Officer (IO) Report dated 10 July 2013, concluded that Petitioner was abiding by the speed limit, that she was not using a government cell phone at the time of the accident, and that she was on official government business. The IO report recommended Petitioner receive a non-punitive letter of caution for operating the GMV without the proper amount of sleep.

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## 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 6105 counseling has several administrative errors; it is not dated, does not have the Petitioner's signature, nor does it show Petitioner's election to submit a rebuttal, which is required per reference (b). The Board further noted that the command did not issue Petitioner the counseling until fourteen months after the incident; and language in the 6105 contradicts the information documented in enclosure (4). Consequently, the Board found the 6105 erroneous and unjust and concluded that Petitioner's 6105 entry, enclosure (2), shall be removed.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing her undated 6105 counseling entry, enclosure (2).

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)), 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.

8/5/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]