



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

█  
Docket No: 606-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █  
XXX XX █ USMC/RET

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments  
(2) MCB █ IDC ltr 1752 MCCSMFC/6416 of 18 Dec 19  
(3) NAVMC 118(11) Administrative Remarks of 6 Feb 20  
(4) HQMC memo 1070 JPL of 1 Apr 21

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removing his 6 February 2020 Administrative Remarks (page 11) 6105 counseling entry and rebuttal statement.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 5 October 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 that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 18 December 2019, Petitioner was the subject of an Incident Determination Committee (IDC) to review an incident involving his family and allegations of child emotional and physical abuse. The IDC found that Petitioner's case did not meet criteria for child emotional or physical abuse.

b. On 6 February 2020, Petitioner was issued a page 11 entry counseling him for being apprehended under the suspicion of domestic violence and simple assault. His page 11 entry also referenced the IDC meeting and the unanimous IDC vote that the two alleged incidents did not meet criteria. Enclosure (2).

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c. Petitioner contends that an IDC meeting is not a disciplinary proceeding, the IDC determined that the incidents described in the page 11 entry did not meet criteria for child emotional abuse or physical abuse and his commanding officer (CO) took administrative action after receipt of the IDC's decision.

d. The advisory opinion (AO) furnished by the Headquarters, Marine Corps, Military Personnel Law Branch recommended that Petitioner's page 11 entry and rebuttal statement be removed. The AO noted that Petitioner's page 11 entry was entered after his CO received the IDC decision. The AO asserted that, in light of the fact that the IDC found that the allegations did not meet criteria, and the allegations were apparently based on false accusations, it would be an injustice to hold Petitioner accountable. Moreover, leaving the page 11 and rebuttal in his record would be an injustice that would subject Petitioner to negative career impacts. Enclosure (3).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action. The Board substantially concurred with the AO that Petitioner's page 11 entry and rebuttal statement should be removed. The Board noted that Petitioner's page 11 entry was issued after the IDC determination. The Board also noted that according to the Marine Corps Family Advocacy and General Counseling Program Manual, commanders should proceed with administrative and/or disciplinary actions prior to the receipt of IDC decisions and that a commander may not take administrative or disciplinary action against a service member based solely upon the IDC. The Board noted, too, that the IDC unanimously found that Petitioner's case did not meet the criteria for child emotional or physical abuse, accordingly, the Board determined that the page 11 entry was unwarranted, does not form an essential part of Petitioner's permanent record, and could negatively impact Petitioner's career. Accordingly, the Board determined that Petitioner's contested page 11 entry and rebuttal statement should be removed.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing his 6 February 2020, Administrative Remarks (page 11) entry and 13 February 2020 rebuttal statement.

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

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

10/17/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]