



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

█
Docket No. 1341-21
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 14 Feb 20

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 his naval record be corrected by removing an Administrative Remarks (6105) counseling, enclosure (2), from his official military personnel file (OMPF).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 12 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 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 dated 14 February 2020, stating that he violated Article 92 (failure to obey order or regulation) of the Uniform Code of Military Justice (UCMJ), because during a health and comfort inspection on 14 February 2020 supplements containing Selective Androgen Receptor Modulators, which are banned for use by Marines, was found in his barracks room. Petitioner contends enclosure (2) is inaccurate, in violation of reference (b), and unjust. Petitioner notes that he was never made aware of the counseling; the entry states "SNM Not Available for Signature." In addition, Petitioner argues he was not given counsel by his command, nor the option to submit a rebuttal, as no election was signed.

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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 contains several administrative errors, to include a missing rebuttal election as well as Petitioner's signature. The Board further noted that the command did not properly follow the procedures listed in reference (b) when a Marine is not available for signature. 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 enclosure (2), his 6105 counseling entry dated 14 February 2020.

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.

11/5/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]