



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

██████████
Docket No: 3663-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO ██████████
██████████ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1070/12K (IRAM)
(c) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) 6105 counseling entry of 18 Jul 19
(3) Petitioner's 6105 counseling entry rebuttal of 23 Jul 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 his naval record be corrected to remove an Administrative Remarks (Page 11) 6105 counseling entry.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 21 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 the 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, 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. Petitioner was issued a Page 11 6105 counseling him for violation of Article 92, UCMJ, dereliction of duty. Specifically, for acting outside of the Marine Corps Title 10 jurisdiction after being given instructions on his left and right lateral limits of his duties at the Border Patrol Station. Petitioner signed and acknowledged the entry, and submitted a written rebuttal. Enclosures (2) and (3).

c. Petitioner contends he was performing his duties as a Staff Non-Commissioned Officer, but there was a breakdown in communication between Petitioner and the Second Lieutenant (2ndLt). Petitioner further contends two Marines under his supervision required specific medical care and he performed his duties advocating for the first Marine to receive appropriate care which resulted in an interpersonal conflict between he and the 2ndLt. By the time the second Marine required care, the 2ndLt was refusing to communicate with Petitioner. Petitioner states he attempted to repair the working relationship, but to no avail. Petitioner asserts the lack of

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communication was not being passed up the chain of command or the information was not accurately portrayed. Lastly, Petitioner asserts that his Reporting Senior intervened and would not allow further reprisal from interpersonal conflict resulting in an adverse fitness report.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds there is no error in issuing the 6105 counseling entry.

The Board, however, determined the existence of an injustice warranting relief. In this regard, the Board determined that Petitioner submitted sufficient evidence to support his contentions or assertions. The Board felt that the Petitioner was ensuring the well-being of his junior Service members at the time, and the lack of communication between the Petitioner and the 2ndLt led to an unfortunate misunderstanding. The Board further felt the 6105 counseling entry was unnecessary as the situation could have been handled through other means and, but for the lack of communication between he and the 2ndLt, the Petitioner was conducting his responsibilities as a Staff Non-Commissioned Officer accordingly. The Board concluded that the contested Page 11 6105 counseling entry and rebuttal shall be removed from Petitioner's official military personnel file.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosures (2) and (3), his 18 July 2019 Page 11 6105 counseling entry and 23 July 2019 rebuttal, respectively.

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 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.

11/10/2021

[REDACTED]