



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

[REDACTED]  
Docket No: 3823-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]  
XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures  
(2) Cmd [REDACTED] ltr 5000 EOR of 2 Oct 20  
(3) [REDACTED] ltr 5800 Legal/CI of 4 Dec 20  
(4) [REDACTED] Memo 1306 G-1 of 14 Jan 21  
(5) Administrative Remarks (Page 11) 6105 counseling entry of 14 Jan 21  
(6) Petitioner rebuttal (undated)

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 an Administrative Remarks (Page 11) 6105 counseling entry.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 23 November 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. On 2 October 2020, Petitioner was notified that he was the subject of a prohibited activities and conduct (PAC) complaint. See enclosure (2).

c. On 4 December 2020, Petitioner was investigated for a possible hazing incident. The investigating officer (IO) opined that the preponderance of the evidence did not substantiate that Petitioner "pinned" or hazed another Marine during a promotion ceremony. The IO, however, recommended the Marines present at the ceremony be formally counseled. See enclosure (3).

d. On 14 January 2021, Petitioner was relieved from his duties and issued a Page 11 6105 counseling regarding, in part, his leadership failure by not ensuring junior Marines understood the Marine Corps PAC Order (MCO 5354.1E). Petitioner acknowledged the entry and submitted a written rebuttal. See enclosures (4) through (6).

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e. Petitioner contends he unjustly received the 6105 due to retaliation and ostracism by his superior officer, and the entry states there were substantiated claims against him which the official investigation and closing documentation state otherwise. Petitioner asserts this is a violation of the PAC Order, as the command investigation resulted in an unsubstantiated claim against him.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting relief. The Board noted that Petitioner furnished sufficient evidence to support his contentions. The Board further noted that the command could have informally counseled Petitioner, given the unsubstantiated claim of hazing and his unblemished Service record, and the senior officer present at the promotion ceremony should have been held accountable for actions displayed by those under his or her charge. The Board thus concluded that the Page 11 6015 counseling entry 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 (5) and (6), his 14 January 2021 Page 11 6105 counseling entry and corresponding rebuttal.

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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 the (a), has been approved by the Board on behalf of the Secretary of the Navy.

12/14/2021

[REDACTED]  
Deputy Director

Signed by: [REDACTED]