



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

[REDACTED]  
Docket No. 4038-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED] [REDACTED]  
[REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1754.11

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) 6105 counseling entry of 21 Mar 18  
(3) Petitioner rebuttal of 28 Mar 18

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 granting an enlisted remedial selection board (ERSB) for promotion to the rank of gunnery sergeant for the Fiscal Year (FY) 2018 Gunnery Sergeant (GySgt) Selection Board.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], 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. On 21 March 2018, Petitioner received a Page 11 counseling entry stating on "20 February 2018, the IDC (Incident Determination Committee) determined that [Petitioner's] case met the criteria for partner physical abuse and issued specified recommendations." See enclosure (2). Petitioner submitted a rebuttal to the Page 11 on 28 March 2018. See enclosure (3). Petitioner petitioned the Board requesting removal of both the Page 11 entry and rebuttal, arguing that the Page 11 was based only on the findings of the IDC in violation of Marine Corps Order 1754.11. The Board determined the Page 11 entry was invalid and on 20 May 2021 directed the removal of the 21 March Page 11 entry and Petitioner's rebuttal from Petitioner's official military personnel file (OMPF).

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c. Petitioner contends that the Page 11 resulted in his failure to select to gunnery sergeant for the FY18, FY19, and FY20 Gunnery Sergeant Selection Boards and his failure to re-enlist.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants relief. The Board noted that Petitioner did not have any other adverse information in his record other than the 21 March 2018 Page 11 when he was considered for promotion for the FY18 GySgt Selection Board. Consequently, the Board determined that removal of the Page 11 and rebuttal was a significant change in the record and would have improved the perception of competitiveness had the record been correct at the time of the board's convening. The Board thus concluded, despite Petitioner's separation from the Marine Corps, that an enlisted remedial selection board to gunnery sergeant is warranted.

#### RECOMMENDATION

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

Petitioner be granted special consideration to submit a package to the Enlisted Remedial Selection board so that he may be considered for promotion to the rank of gunnery sergeant for the FY18 Gunnery Sergeant Selection Board.

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.

2/9/2022

