



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

[REDACTED]
Docket No: 4286-21
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) MCO P1070.12K (IRAM)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) counseling entry of 16 Jul 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 her naval record be corrected by removing the Administrative Remarks (Page 11) counseling entry at enclosure (2).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 27 January 2022, and pursuant to its regulations, determined 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 16 July 2020, Petitioner was issued a Page 11 entry counseling her for failure to obey an order. Specifically, she was counseled for cohabitating in a sergeant's barracks room without knowledge or authorization from her section or company leadership which is in direct violation of the barracks policy. She was also counseled for executing annual leave with the sergeant and wearing an unauthorized nose piercing while in uniform. See Enclosure (2).

c. The entry at enclosure (2) states "During this period, you both contracted COVID-19 and you were both moved to the Medical Isolation Observation Center."

d. Petitioner contends the entry is in error because the entry contains language that violates the Health Insurance Portability and Accountability Act (HIPAA). Further, she contends she received the counseling entry three months and three weeks after her chain of command verbally

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counseled her and “dismissed” the situation. Lastly, she contends the barracks policy was not updated nor signed by the commander.

CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner’s request warrants partial relief. In this regard, the Board determined the counseling entry, which meets the requirements of reference (b), creates a permanent record of matters Petitioner’s commanding officer deemed significant enough to document and concluded there was insufficient evidence of an error or injustice warranting removal.

However, the Board noted it was unnecessary for the entry to reference COVID-19 and concluded the sentence should be redacted.

RECOMMENDATION

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

Petitioner’s naval record be corrected by redacting the following language from the 16 July 2020 Page 11 counseling entry at enclosure (2):

“During this period, you both contracted COVID-19 and you were both moved to the Medical Isolation Observation Center.”

That no further relief be granted.

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.

2/23/2022

[REDACTED]
Executive Director
[REDACTED]