



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

██████████  
Docket No: 4984-21  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████ ██████████  
XXX XX ██████████ USMCR

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO P1070.12K (IRAM)  
(c) MCO P1400.32D (MARCORPROMAN, VOL 2, ENLPROM)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) counseling entries of 19 Aug 15  
(3) ADB Report of 29 Feb 16  
(4) CO, ██████████ SECOND ENDORSEMENT 1910 of 4 Apr 16  
(5) CG, ██████████ letter of 15 June 2016

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) counseling entry. Enclosure (2).

2. Although his application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider his application on its merits. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 2 December 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 19 August 2015, Petitioner was issued a Page 11 counseling him concerning his processing for administrative separation from the U.S. Marine Corps Reserve due to misconduct (drug abuse). Petitioner was also issued a Page 11 promotion-restriction counseling due to his use or possession of illegal drugs. Petitioner signed both entries and chose not to submit a rebuttal to either entry. Enclosure (2).

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c. On 29 February 2016, an Administrative Discharge Board (ADB) convened and found the preponderance of evidence proved that Petitioner was in possession of an illegal substance. The ADB, however, recommended Petitioner be retained in the Marine Corps. Enclosure (3).

d. On 4 April 2016, the Commanding Officer (CO), [REDACTED] non-concurred with the ADB's recommendation and recommended Petitioner be separated with an Other Than Honorable characterization of service. Enclosure (4).

e. On 15 June 2016, the Commanding General, [REDACTED] directed Petitioner be retained in the U.S. Marine Corps Reserves. Enclosure (5).

f. Petitioner contends he was retained in the Marine Corps Reserve and was subject to an 18-month promotion restriction period. He asserts that since then, he has been promoted to the grades of corporal and sergeant. Petitioner further contends he continues to serve honorably and has been asked to join the Active Reserve (AR) Program, and that he does not want the Page 11 to affect his ability to join the AR program.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. In this regard, the Board determined that Petitioner submitted sufficient evidence to support his contentions, and that the evidence of record does not support the matters of the Page 11 counseling entry advising him of administrative separation processing.

Specifically, the Board noted that per reference (b), Page 11 entries should not be issued concerning administrative discharge proceedings that do not, upon final review, result in discharge. The Board thus deemed the entry invalid. The Board concluded that the contested Page 11 counseling entry shall be removed from Petitioner's official military personnel file (OMPF).

Although not requested by the Petitioner, the Board also considered whether the Petitioner's Page 11 promotion-restriction counseling entry is valid. The Board determined that it is written and filed in accordance with references (b) and (c), and concluded that it shall remain in his OMPF.

## RECOMMENDATION

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

Petitioner's naval record shall be corrected by redacting the entire Page 11 counseling concerning "administrative separation" of 19 August 2015 which is located on the left side of the administrative remarks page. The Page 11 counseling concerning his "restricted for promotion" shall remain in his naval record. Enclosure (2).

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

12/23/2021

