



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

[REDACTED]  
Docket No: 5197-21  
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) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments  
(2) NAVMC 118(11) Administrative Remarks of 17 Apr 20  
(3) LtCol [REDACTED] ltr 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 his 17 April 2020 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 16 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 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 that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:
  - a. On 17 April 2020, Petitioner was issued a page 11 entry counseling him for an unprofessional relationship that led to behavior not in line with Marine Corps values and that detracted from his ability to perform his duties. See enclosure (2).
  - b. Petitioner contends that there was a lack of substantiating evidence and the administrative action was unfair and presented without a proper investigation. Petitioner also contends that all findings were withdrawn and dismissed at a higher level. As evidence, Petitioner furnished a Charge Sheet noting that charges were withdrawn and dismissed without prejudice and correspondence from his former commanding officer (CO) that issued the page 11 entry.

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

c. In correspondence from Petitioner's former CO, his CO requested removal of the contested page 11 entry because he did not believe it was warranted and because the allegations occurred prior to Petitioner's arrival at the command. Petitioner's CO noted that following the Preliminary Inquiry and Command Investigation, the facts did not suggest that Petitioner had done anything illegal or improper. Petitioner's CO was advised that action was required to demonstrate a final disposition of the matter even though he did not believe it was warranted and he reluctantly and now regrettably issued the administrative remarks not knowing the long-term impact it would have. See enclosure (3).

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action. The Board noted that Petitioner's page 11 entry was issued according to the Marine Corps Individual Records Administration Manual. However, the Board gave substantial consideration to the correspondence furnished by Petitioner's former CO and determined that sufficient justification was provided to warrant removal of Petitioner's page 11. Accordingly, the Board determined that Petitioner's contested page 11 entry should be removed.

#### RECOMMENDATION

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

Petitioner's naval record be corrected by removing his 17 April 2020, Administrative Remarks (page 11) 6105 counseling entry.

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.

12/10/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]