



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

[REDACTED]
Docket No. 5355-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] [REDACTED]
[REDACTED] USMCR

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO P1070.12K (IRAM)
(c) MCO 5800.16-V15

Encl: (1) DD Form 149 w/ enclosures
(2) Administrative Remarks (Page 11) counseling entry of 25 Jul 19

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 removing enclosure (2), the Administrative Remarks (Page 11) counseling entry dated 25 July 2019, from his official military personnel file (OMPF).
2. The Board reviewed Petitioner's allegations of error and injustice on 3 February 2022 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, finds 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. Petitioner was issued a Page 11 counseling him for having an ongoing romantic relationship with an enlisted United States Air Force (USAF) servicemember. See enclosure (2).
 - c. Petitioner contends that his pre-service relationship with his spouse, who was his fiancé at the time, developed prior to him attending Officer Candidates School (OCS), she enlisted into the USAF two weeks after he graduated from OCS, and he was forthcoming by telling his Staff Platoon Commander (SPC) and Commanding Officer (CO) about this relationship when he attended The Basic School (TBS). Petitioner also asserts that his SPC and CO questioned his judgement and self-control.

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CONCLUSION

The Board carefully considered Petitioner's contentions and noted that by signing the Page 11, Petitioner's CO indicated that he believed it to be appropriate based on the facts and circumstances, and using a preponderance of the evidence standard. The Board thus determined that the CO was well within his discretionary authority to issue the counseling entry, and that the entry met the counseling requirements detailed in paragraph 3005 of references (b) and (c). Specifically, the Board noted that the entry provided written notification concerning his misconduct. Although he was afforded the opportunity to rebut the counseling, he chose not to do so.

The Board further noted Petitioner was counseled on two separate occasions regarding fraternization in the Marine Corps and, despite his pre-service relationship with his then-fiancé, his relationship continued thereafter. The Board determined Petitioner's marriage in October of 2019 was not in accordance with the regulations on officer/enlisted marriages, specifically, per reference (c), paragraph 1106, "[t]he Marine Corps accepts officer/enlisted marriages which occur *before the officer receives a commission or before the officer reverts to an enlisted grade*, and misconduct, including fraternization, is neither excused nor mitigated by subsequent marriage between the parties." The Board thus concluded that the Page 11 counseling entry does not constitute probable material error or injustice warranting removal from Petitioner's OMPF.

RECOMMENDATION

In view of the above, the Board recommends no relief.

EXECUTIVE DIRECTORS CONCLUSION

Notwithstanding the Board's conclusion, I believe that the ongoing relationship prior to Petitioner entering into the U.S. Marine Corps and marital situation should not be disregarded. I believe that Petitioner's relationship may not have been in accordance with the regulations, however, this situation did not violate the spirit and intent of good order and discipline between an officer and enlisted members of different services, given their prior ongoing civilian relationship and current marriage. I therefore believe that the Page 11 servers no useful purpose in Petitioner's OMPF.

EXECUTIVE DIRECTORS RECOMMENDATION

In view of the above, the Executive Director recommends the following corrective action:

Petitioner's naval record be corrected by removing enclosure (2), the 25 July 2019 Administrative Remarks (Page 11) 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.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED] USMCR

5. The foregoing corrective action of the Board is submitted for your review and action.

2/18/2022

[REDACTED]

Executive Director

From: Assistant General Counsel (Manpower and Reserve Affairs)

Reviewed and Approved Board Recommendation (Deny Relief)

Reviewed and Approved Executive Director Recommendation (Grant Relief)

3/25/2022

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]