



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

█  
Docket No: 5506-21  
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1070.12K  
(c) MCO P1400.32D w/CH 1

Encl: (1) DD Form 149 w/attachments  
(2) NAVMC 118(11) Administrative Remarks of 16 Mar 21  
(3) Petitioner's Rebuttal of 19 Mar 21  
(4) Senior Member, █ Comm Bn ltr 1000-35 SenMbr of 23 Jun 21  
(5) NAVMC 118(11) Administrative Remarks of 6 Aug 21

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 16 March 2021 Administrative Remark (page 11) entry, 19 March 2021 rebuttal statement, and 6 August 2021 page 11 entry.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 1 March 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 regulations within the Department of the Navy.

b. On 16 March 2021, Petitioner was issued a page 11 entry counseling him regarding the Sexual Assault-Initial Disposition Authority determination that he committed an incident or attempted to commit an incident of sexual misconduct on or about █. The entry also notified Petitioner that he was being processed for administrative separation per paragraph 6210.6, Marine Corps Separation and Retirement Manual (MARCORSEPMAN) for commission of a serious offense. See enclosure (2).

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c. On 19 March 2021, Petitioner submitted a statement to the record, in which he denied the allegations, Petitioner claimed that the Article 32 hearing determined that there was no probable cause for any charge, and the allegations were reviewed and unsubstantiated. See enclosure (3).

d. On 23 June 2021, Petitioner's administrative discharge board unanimously found that the preponderance of the evidence did not prove any of the acts or omissions alleged and recommended Petitioner's retention on active duty. See enclosure (4).

e. On 6 August 2021, Petitioner was issued a page 11 entry notifying him that he was processed for administrative separation and that a recommendation of retention was directed. Petitioner acknowledged the entry and elected not to submit a statement. See enclosure (5).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board found the existence of an error warranting corrective action.

Concerning enclosure (2), Petitioner's 16 March 2021 page 11 entry, the Board noted that reference (b) provides not to "make entries on page 11 which concern administrative discharge or competency review proceedings if they do not, upon final review, result in discharge or reduction." The Board determined that because Petitioner was retained on active duty and not separated, the entry is in error. Accordingly, the Board determined that enclosure (2) should be removed along with enclosure (3), Petitioner's rebuttal statement to enclosure (2).

Concerning enclosure (4), Petitioner's 6 August 2021 page 11 entry, the Board noted that the entry notified Petitioner of the administrative separation board's determination and recommendation. The Board determined that the page 11 entry is unnecessary and was issued in violation of reference (b). Accordingly, the Board determined that enclosure (4) should be removed.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), his 16 March 2021 Administrative Remarks (page 11) entry.

Petitioner's naval record be corrected by removing enclosure (3), his 19 March 2021 rebuttal statement.

Petitioner's naval record be corrected by removing enclosure (4), his 6 August 2021 Administrative Remarks (page 11) entry.

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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 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.

3/11/2022

[REDACTED]  
Executive Director

Signed by: [REDACTED]