



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

[REDACTED]
Docket No: 5520-21
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) McBul 1020 (Tattoo Policy)
(c) MCO 1070/12K (IRAM)
(d) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) 6105 counseling entry of 14 Jul 16
(3) Administrative Remarks (Page 11) entry of 4 Aug 16

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) 6105 counseling entry of 14 July 2016. 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 [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 23 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 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 2 June 2016, reference (b) was published, directing Commanders to ensure all Marines with tattoos adhere to the tattoo policy.

c. On 14 July 2016, Petitioner was issued a Page 11 6105 counseling entry for not being in compliance with reference (b). Petitioner signed and acknowledged the entry, and did not annotate whether he wanted to submit a rebuttal. Enclosure (2).

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d. On 4 August 2016, Petitioner was issued a Page 11 regarding the Marine Corps Tattoo Policy and documented the Petitioner's tattoos not in compliance. Petitioner signed and acknowledged the entry. Enclosures (3).

e. Petitioner contends he unjustly received the Page 11 6105 in accordance with page 8, para. f of reference (b), specifically, the required time frame to have tattoos entered, as they are the incorrect Page 11's. Petitioner contends the Page 11 6105 he was issued was inside of the 120 day time frame from the date reference (b) was published to enter his tattoos not in compliance into his service record book. Petitioner further contends he received the correct Page 11, enclosure (3), on 4 August 2016, which is in compliance with reference (b).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting relief. The Board noted that Petitioner furnished sufficient evidence to support his contentions. The Board further noted that the command erroneously issued the Petitioner a Page 11 6105 counseling entry when they should have issued the Petitioner a standard Page. 11, as referenced on page 7, paragraph 6(b) of reference (b). Thus, the Board concluded that the Page 11 6015 counseling entry shall be removed from Petitioner's official military personnel file.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), his Page 11 6105 counseling entry and any copy thereof.

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.

2/7/2022

[REDACTED]
Executive Director

Signed by: [REDACTED]