



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

[REDACTED]  
Docket No: 5560-21  
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] USMC

Ref: (a) 10 U.S.C. § 1552  
(b) MCO P1070.12K (IRAM)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) counseling entry of 8 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 her naval record be corrected by removing the Administrative Remarks (Page 11) counseling entry at enclosure (2) or, in the alternative, remove the "refused to sign" annotation and allow her an opportunity to submit a rebuttal.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 December 2021, and pursuant to its regulations, determined 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 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. On 8 August 2016, Petitioner was issued enclosure (2), a Page 11 entry counseling her after she was arrested and held in the hands of civilian authorities on charges of first degree assault and intoxicated disorderly conduct. The Page 11 entry also noted Petitioner provided a false name upon her arrest and was subsequently charged with first degree obstruction of justice. Petitioner did not sign the entry and her refusal to sign was annotated on the Page 11. She also did not make an election regarding submission of a written rebuttal.

c. Petitioner contends the entry is unjust due to the factual errors and specifically disputes the inclusion of the obstruction of justice charge. She also contends the civilian charges were subsequently dismissed by civilian authorities on 28 October 2016 and provides court documentation reflecting the court's dismissal of the case on 22 November 2016. Petitioner further contends that when she was presented the Page 11 entry, she informed the command of the errors and requested the language regarding the obstruction of justice charge be removed.

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

She purportedly did not sign the entry based on her legal counsel's advisement but intended to sign it after the contested language was removed. She also purportedly intended to elect to submit a rebuttal upon receipt of the corrected Page 11 entry.

#### CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner's request warrants partial relief. In this regard, the Board determined the counseling entry, which meets the requirements of reference (b), creates a permanent record of matters Petitioner's Commanding Officer deemed significant enough to document and concluded there was insufficient evidence of an error or injustice warranting modification or removal.

The Board, however, determined that in the interest of justice, Petitioner shall be allowed an opportunity to resubmit a rebuttal statement, providing it is in compliance with reference (b).

#### RECOMMENDATION

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

Petitioner shall be allowed to submit, for inclusion into her Official Military Personnel File, her rebuttal to enclosure (2), the 8 August 2016 Page 11 counseling entry. If Petitioner elects to submit the rebuttal, it must be in compliance with reference (b) and received by Headquarters, Marine Corps (MMRP-13) within 60 days of receipt of this letter.

That no further relief be granted.

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.

12/24/2021

[REDACTED]  
Deputy Director  
[REDACTED]