



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

[REDACTED]  
Docket No: 5879-21  
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) Title 10 U.S.C. § 1552  
(b) MCO 1070/12K (IRAM)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) entry of 17 Mar 20  
(3) Administrative Remarks (Page 11) entry of 17 Mar 20

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 two Administrative Remarks (Page 11) entries dated 17 March 2020.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 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 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 17 March 2020, Petitioner was issued a Page 11 due to not being recommended for promotion to Corporal for the month of March 2020 as a result of pending legal action. The entry notes that Petitioner was not available for signature. Enclosure (2).

c. Also on 17 March 2020, Petitioner was issued a second Page 11 due to not being recommended for promotion to Corporal for the months of April, May, and June 2020 as a result of pending legal action. The entry notes that Petitioner was not available for signature. Enclosure (3).

d. Petitioner contends both entries are invalid because they were entered into his official military personnel file (OMPF) without his signature.

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[REDACTED] USMC

## 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 after review of the Petitioner's service record, there is no record of legal action pending and/or taken. Moreover, per reference (b), his Command should have made the Petitioner aware of both entries and afforded him an opportunity to rebut the entries prior to submitting them for inclusion in his OMPF. The Board thus concluded that both promotion-restriction Page 11 entries dated 17 March 2020 are in error and shall be removed from Petitioner's OMPF.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosures (2) and (3), the two promotion-restriction Page 11 entries dated 17 March 2020.

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 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.

3/7/2022

[REDACTED]  
Deputy Director  
[REDACTED]