



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

[REDACTED]  
Docket No: 6304-21  
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) 6105 counseling entry of 11 May 21  
(3) FAP memo of 28 Jan 21  
(4) [REDACTED] ltr of 22 Jan 21  
(5) IDC memo of 9 Feb 21  
(6) Senior Member, Adsep Bd ltr of 15 Sep 21  
(7) CO, Headquarters Battalion ltr of 16 Sep 21

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 11 May 2021. Enclosure (2).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 3 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 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 6 January 2021, Petitioner was referred to the Family Advocacy Program (FAP) for allegations of child abuse. Enclosure (3).

c. On 22 January 2021, the [REDACTED] Department of Social Services completed its "Family in Need of Services" in the case of the Petitioner as a result of child physical abuse. The Petitioner was offered services and elected not to accept those services. Enclosure (4).

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d. On 28 January 2021, FAP completes its assessment and presented the case to the Clinical Case Staff Meeting to review treatment recommendations, progress, safety measures implemented, and risk of future abuse. The FAP recommended the Petitioner complete FAP assessment. Enclosure (3).

e. On 9 February 2021, the Incident Determination Committee reviewed the Petitioner's case and determined that the allegations did not meet the criteria for child abuse. Enclosure (5).

f. On 11 May 2021, Petitioner was issued a Page 11 "processing" 6105 counseling entry concerning his domestic assault. Petitioner acknowledged and signed the entry. Although the Petitioner chose to make a rebuttal statement, he did not include it in his application nor is it in his official military personnel file (OMPF). Enclosure (2).

g. On 15 September 2021, Petitioner was the subject of an administrative separation board and the board members determined by a majority vote that a preponderance of the evidence did not prove the acts of child abuse. The board members recommended the Petitioner be retained. The Commanding Officer (CO), Headquarters Battalion, concurred with the recommendation. Enclosures (6) and (7).

h. Petitioner contends that the Naval Criminal Investigative Service investigated the incident and found no substantial evidence to corroborate the claims, FAP conducted an IDC and came to the conclusion that the allegations do not meet domestic abuse, and Child Protective Services investigated the incident and closed their case without further advisement. The Petitioner further contends that an administrative separation board determined by a majority vote that a preponderance of the evidenced does not prove any of the acts.

## 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 the Petitioner submitted substantial documentation in support of his contentions. The Board further noted that the CO correctly issued the Petitioner a Page 11 6105 entry at the time of issuance pending administrative processing for domestic abuse; however, since the result did not end in discharge, determined the entry is not authorized in accordance with references (b) and (c). The Board thus concluded that the Page 11 6105 counseling entry is 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 enclosure (2), his Page 11 6105 counseling entry dated 11 May 2021.

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

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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.

3/21/2022

[REDACTED]  
Executive Director  
[REDACTED]