



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

[REDACTED]
Docket No. 6467-21
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 P1070.12K w/ ch1

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks Page 11(6105) counseling entry of 12 Sep 19
(3) Administrative Remarks Page 11 (6105) counseling entry of 30 Jan 20
(4) Administrative Remarks Page 11 (6105) counseling entry of 14 Apr 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 by removing three Administrative Remarks Page 11 counseling entries from his official military personnel file (OMPF).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 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 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. Petitioner received enclosure (2), a Page 11 counseling on 12 September 2019 for not being recommended for promotion to [REDACTED] for the fourth quarter 2019 promotion period due to marksmanship failure. Petitioner received enclosure (3), a 6105 counseling on 30 January 2020 for failing to qualify on the rifle range on 11 September 2019. Petitioner received enclosure (4) a Page 11 counseling on 14 April 2021 for not being recommended for promotion to Corporal for the month of May 2021 promotion period due to lack of MOS proficiency and physical fitness shortcoming. For enclosures (2) and (3), Petitioner elected not to make a statement. Petitioner did submit a rebuttal to enclosure (4).

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c. Petitioner alleges that the multiple Page 11 entries were for marksmanship failure and were submitted due to the fact he was in a deployed environment and was not able to qualify on the range. Petitioner argues that it is unjust to have multiple counseling entries regarding the same issue.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants partial relief. The Board found that enclosure (2), the 12 September 2019, is improperly included in Petitioner's OMPF twice. The Board thus concluded that Petitioner's duplicate 12 September 2019 shall be removed from his OMPF.

However, the Board determined that enclosures (2), (3), and (4) should not be removed from Petitioner's OMPF as there is a distinction between these Page 11/6105 entries. The Board noted that enclosure (2) counsels Petitioner for being eligible but not recommended for promotion for fourth quarter 2019 promotion period, while enclosure (3) counsels Petitioner for failing to qualify on the rifle range multiple times, and enclosure (4) counsels Petitioner, not for marksmanship failure, but for being eligible but not recommended for promotion to Corporal due to lack of MOS proficiency and lack of physical fitness. Finally, the Board noted that Petitioner signed enclosures (2), (3), and (4) and was afforded the opportunity to rebut the entries. The Board determined that the Page 11/6105 counseling entries are valid and concluded that the non-duplicate 6105 entries shall remain in Petitioner's record.

RECOMMENDATION

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

Remove Petitioner's duplicate 12 September 2019 Administrative Remarks Page 11 entry.

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 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.

2/28/2022

[REDACTED]
Deputy Director

Signed by: [REDACTED]