



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

[REDACTED]
Docket No: 6532-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [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, undated

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 his naval record be corrected by removing the undated Administrative Remarks (Page 11) counseling entry at enclosure (2).

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 20 January 2022, 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. Petitioner was issued a Page 11 counseling entry during his first enlistment but the document was not dated at the time of counseling. He was counseled for abusing his wife by taking physical action against her and demonstrating the potential to do serious harm. The entry is signed by Petitioner and the Commanding Officer.

c. Petitioner contends enclosure (2) is in error and unjust because it is undated. Specifically, he contends the entry should be removed because the lack of a counseling date might affect his promotion eligibility because someone considers the counseling current.

CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner's request warrants partial relief. In this regard, the Board, noting the undated counseling entry is located

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

on a Page 11 which is stamped twice at the top with dates from 1997 and also includes a stamped entry dated 10 March 1997, determined the lack of a date is not a material error requiring removal of the entry. The Board, considering the serious nature of the counseling, was unwilling to remove the entry but, in the interest of justice, concluded Petitioner should be allowed an opportunity to submit a statement, for inclusion in his record, which provides the timeframe of the counseling, 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 his Official Military Personnel File, a statement clarifying date of the incident described in enclosure (2), the undated Page 11 counseling entry. If Petitioner elects to submit the statement, it must be in compliance with reference (b) and received by Headquarters, Marine Corps (MMRP-13) within 60 days of his 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.

2/10/2022

[REDACTED]
Executive Director
[REDACTED]