



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

█
Docket No: 770-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
XXX XX █ 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 17 Dec 21 and 28 Dec 21
Rebuttal

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 and associated rebuttal.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 2 May 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 26 June 2021, Petitioner was involved in a domestic incident with his fiancé that resulted in civilian charges. The charges were eventually dismissed by the █ court on 23 September 2021. However, on 17 Dec 2021, pursuant to reference (b), Petitioner was issued a Page 11 6105 counseling for severe lack of judgment in escalating a dispute and using physical force against his fiancé. Petitioner acknowledged the entry and submitted a written rebuttal. See enclosure (2).

c. On 6 January 2022, the Incident Determination Committee (IDC) determined that the incident forming the basis for his Page 11 6105 counseling did not meet criteria for partner physical abuse. Petitioner subsequently filed a petitioner with this Board requesting removal of the Page 11 6105 counseling based on an argument of error, injustice, and personal bias. See enclosure (1).

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CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. In this regard, the Board relied upon the recommendations the Dismissal Order issued by the [REDACTED] and the Results of the Incident Determination Committee. The Board concluded that the contested Page 11 and rebuttal shall be removed from Petitioner's official military personnel file.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), the Page 11 6105 counseling entry of 17 Dec 21 and 28 Dec 21 Rebuttal.

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.

6/2/2022

[REDACTED]
Executive Director

Signed by: [REDACTED]