



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

[REDACTED]
Docket No: 1360-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[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) Reporting Orders 1320 MROWS/2001173/0/IDT of 15 Jun 2016
(3) Administrative Remarks (Page 11) 6105 counseling entry of 14 Aug 16
(4) Administrative Remarks (Page 11) non-rec entry of 14 Aug 16
(5) Promotion History
(6) Administrative Remarks (Page 11) non-rec entry of 12 Jun 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 to remove an Administrative Remarks (Page 11) 6105 counseling entry and a non-recommendation for promotion entry dated 14 August 2016, and modify a non-recommendation for promotion entry dated 12 June 2020 to accurately reflect his rank at the time of issuance.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 26 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 8 August 2015, Petitioner was transferred to Marine Forces Reserves. While in a reserve status, Petitioner was issued orders to report to the School of Infantry-[REDACTED] from 28 June 2016 to 25 August 2016. See enclosure (2).

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c. On 14 August 2016, Petitioner was issued a Page 11 6105 counseling entry and a non-recommendation for promotion to Corporal (Cpl) entry concerning his failure to be at drill on 12-14 August 2016. Petitioner did not acknowledge or sign the entries. See enclosures (3) and (4).

d. Per enclosure (5), Petitioner was promoted to Cpl on 1 October 2019. On 12 June 2020, Petitioner was issued a non-recommendation for promotion to Cpl entry for Fiscal Year 2020 3rd quarter promotion period. Petitioner acknowledged and signed the entry, and chose not to submit a statement. Enclosure (6).

e. Petitioner was promoted to Sergeant (Sgt) on 1 January 2021. Enclosure (5).

f. Petitioner contends that he was on orders at the time the contested Page 11 entries were issued and never should have been marked in an unauthorized absence status. Petitioner further contends he was already a Cpl when he was issued the non-recommendation entry dated 12 June 2020.

CONCLUSION

Upon review and consideration of all the evidence of record and references (b) and (c), the Board found an error with the Page 11 6105 counseling entry and both non-recommendation entries warranting relief. In this regard, the Board determined that Petitioner submitted sufficient evidence to support his contentions, and that the evidence of record does not support the matters of either entries.

The Board noted the documentation provided by the Petitioner and determined that the command erroneously issued the Petitioner enclosures (3) and (4) after providing evidence that he was on official orders. The Board, therefore, deemed the entries invalid. The Board concluded that the contested Page 11 6105 counseling entry at enclosure (3) shall be removed from Petitioner's official military personnel file and, since the Page 11 non-recommendation for promotion entry at enclosure (4) was a result of the issuance of enclosure (3), this entry shall be removed as well. The Board also determined that the entry at enclosure (6) contains an error and should be changed to reflect the appropriate rank of Sgt.

Although the Petitioner did not request a back date to the rank of Sgt, the Board determined that the Petitioner warrants further relief and concluded that his record should be audited to determine if correction to his date of rank to Sgt is warranted.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (3), his 14 August 2016 Page 11 6105 counseling entry, and enclosure (4), his 14 August 2016 Page 11 non-recommendation for promotion entry.

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Further, Petitioner's naval record be corrected by modifying enclosure (6), his 12 June 2020 Page 11 non-recommendation promotion entry by redacting "Corporal" and inserting "Sergeant."

HQMC (MMPR-2) shall conduct an audit of Petitioner's record and determine if correction to the promotion date of rank to Sgt is warranted and, if so, DFAS will audit for any pay/allowances due.

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.

6/17/2022

[REDACTED]

[REDACTED]