



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

██████████
Docket No: 1439-22
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 Separation and associated documents
(3) Administrative Remarks (Page 11) 6105 counseling entry, 10 Jan 19
(4) Petitioner DD 214
(5) Reporting Orders, 17 Jun 19

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 dated 10 January 2019.

2. The Board, consisting of ██████████, ██████████, and ██████████, 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 31 July 2018, Petitioner was notified that he was being recommended for administrative discharge due to drug abuse. On 7 January 2019, the Commanding General, ██████████ Marine Logistics Group, approved the discharge with a General (Under Honorable Conditions) characterization of service; however, suspended the discharge for twelve months. See enclosure (2).

c. Petitioner was issued a Page 11 6105 counseling entry, on 10 January 2019, due to the results of his administrative separation for misconduct. Petitioner acknowledged and signed the entry. Petitioner also chose not to submit a rebuttal statement. See enclosure (3).

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d. Petitioner contends that the entry was issued due to drug usage; however, all charges were dropped and he was not separated as a result of the administrative separation. See enclosure (4). Petitioner further contends he was issued orders that prove that he was not separated. See enclosure (5).

CONCLUSION

Upon review and consideration of all the evidence of record and references (b) and (c), the Board finds the existence of an error and injustice warranting relief. In this regard, the Board determined that although the charges were not dropped as the Petitioner contends, Petitioner submitted sufficient evidence to support his other contentions, and that the evidence of record does not support the matters of the Page 11 6105 counseling entry.

The Board noted that per reference (b), Page 11 entries should not be issued concerning administrative discharge proceedings that do not, upon final review, result in discharge. The Board therefore, deemed the entry invalid. The Board concluded that the contested Page 11 entries shall be removed from Petitioner's official military personnel file (OMPF).

Although the Petitioner did not request the removal of the administrative separation documents, the Board further granted relief by determining that the Petitioner acted accordingly while the separation was suspended and for the remainder of his enlistment. The Board thus concluded that all derogatory material referencing the administrative separation proceedings 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 administrative separation proceedings, and all derogatory material referencing the administrative separation proceedings.

Petitioner's naval record be corrected by removing enclosure (3), his Page 11 6105 counseling entry dated 10 January 2019.

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

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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.

6/23/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]