



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

[REDACTED]
Docket No: 1710-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1070/12K (IRAM)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) entry of 5 Mar 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 his 5 March 2020 Administrative Remarks (Page 11) entry.

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 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 5 March 2020, Petitioner was issued a Page 11 entry non-recommending him for promotion to Corporal as a result of the findings from the non-commissioned officer promotion board panel, specifically for a lack of integrity related to a recent incident that had been documented via 6105 counseling. Petitioner acknowledged the entry and chose not to submit a statement. Enclosure (2).

c. Petitioner contends that the Page 11 entry is in error and unjust because it references a 6105 counseling that he did not receive and is not in his record. Petitioner argues that the entry negatively impacts his career.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting partial relief. In this regard, the Board determined that the

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contested entry was issued in accordance with references (b). However, the 6105 counseling referenced in the contested Page 11 entry is not in Petitioner's official military personnel file (OMPF). The Board determined that in the interest of justice, the reference to the 6105 counseling shall be removed from Petitioner's the promotion-restriction counseling. The Board also determined that even after the redaction, the entry is valid because Petitioner was not recommended for promotion due to a lack of integrity as determined by a non-commissioned officer promotion board panel. The Board thus concluded that the contested Page 11 counseling entry, with redaction, shall remain in Petitioner's OMPF.

RECOMMENDATION

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

Petitioner's naval record be corrected by redacting the following from enclosure (2), Petitioner's 5 March 2020 Page 11 counseling entry:

"related to a recent incident that has been documented via 6105 counseling"

The redacted Page 11 entry shall remain in Petitioner's OMPF.

No further changes be made to Petitioner's record.

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.

6/16/2022

[REDACTED]

Executive Director

[REDACTED]