



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

██████████  
Docket No: 2058-22  
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 P1020.34G w/CH 1-5  
(c) MCBul 1020 of 2 Jun 16  
(d) MCBul 1020 of 29 Oct 21  
(e) MCO 1070/12K (IRAM)  
(f) MCO 1020.34H  
(g) MCO 1754.11 (FAP)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) 6015 counseling entry of 24 Jun 15  
(3) Administrative Remarks (Page 11) entry of 21 Jul 16 (state tattoo)  
(4) Administrative Remarks (Page 11) entry of 21 Jul 16 (family tattoo)  
(5) Administrative Remarks (Page 11) entry of 23 Mar 17  
(6) Administrative Remarks (Page 11) entry of 30 Mar 17  
(7) USMC CID ROI, Control: ██████████ of 1 Oct 18  
(8) ██████████ Dept of Social Services Fact Sheet, ██████████ of 6 Aug 18  
(9) Administrative Remarks (Page 11) entry of 14 Aug 18  
(10) Petitioner's rebuttal (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 that his naval record be corrected to remove a 24 June 2015 Administrative Remarks (Page 11) 6105 counseling entry, and Page 11 counseling entries dated 21 July 2016, 23 March 2017, and 14 August 2018.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 2 June 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. Although Petitioner's

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application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. On 24 June 2015, Petitioner was issued a Page 11 6105 counseling him for violating Article 92 (failure to obey order or regulation) of the Uniform Code of Military Justice. Specifically, for having tattoos that were in violation of the Marine Corps Tattoo Policy as published in MARADMINS 198/07 and 029/10. The Page 11 entry also documented the description and physical location of each tattoo, in accordance with reference (b). Petitioner acknowledged the entry and chose not to submit a written statement. Enclosure (2).

c. On 2 June 2016, reference (c), the new Marine Corps Tattoo Policy required “[e]ach Marine with tattoos that are not in compliance with . . . this Bulletin shall have the tattoos documented on [a Page 11] . . . no later than 120 days after the date this Bulletin is signed . . .” On 21 July 2016, Petitioner was issued two Page 11 counseling entries documenting the same tattoos that were documented in his 24 June 2015 Page 11 6105 counseling entry. Enclosures (3) and (4).

d. Petitioner contends that, per the latest Marine Corps Tattoo Policy, reference (f), all of his tattoos are in compliance with policy while wearing standard physical training gear. He also asserts that the counselings are hindering his professional development opportunities.

e. On 23 March 2017, Petitioner was issued a Page 11 counseling entry in accordance with ALMAR 008/17, Social Media Guidance. Petitioner acknowledged the entry; however, the entry is incomplete and was not signed by the issuing officer. Petitioner was issued a similar entry on 30 March 2017. The entry is complies with the requirements of ALMAR 008/17, and is signed by the Petitioner. Enclosures (5) and (6). Petitioner contends that that the only one social media Page 11 is required for his records and the 23 March 2017 entry should be removed from his record.

f. On 22 June 2018, the Criminal Investigative Division (CID) initiated an investigation to inquire into alleged physical child abuse by the Petitioner. On 1 October 2018, CID noted that a query of Petitioner’s history yielded no adjudication for one charge of violation of Article 128 of the Uniform Code of Military Justice. The CID closed the case, noting “all endeavors have been completed.” Enclosure (7).

g. On 6 August 2018, the South Carolina Department of Social Services determined that the investigation initiated by the CID on 22 June 2018 has been unfounded for the allegation of physical abuse and physical neglect as the investigation did not produce a preponderance of evidence that the child in question was an abused or neglected child. Enclosure (8).

h. On 14 August 2018, Petitioner was issued a Page 11 counseling entry documenting a 7 August 2018 Incident Determination Committee (IDC) finding that an incident met criteria for child physical abuse. Petitioner acknowledged the entry, and chose to submit a rebuttal, asserting, in part, that he is not guilty of abusing his child. Enclosures (9) and (10). Petitioner contends that this Page 11 should be removed because the incident was determined to be unfounded and the CID found no adjudication of charges.

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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 partial relief.

With regard to the contested Page 11 entries documenting Petitioner's tattoos, the Board determined that the entries complied with references (b) through (f) at the time of issuance. Additionally, the Board noted that in accordance with reference (f), the current guidance on documenting non-compliant tattoos makes no reference of removing entries that were previously issued. The Board thus concluded that the entries are neither in error nor unjust, and they shall remain in Petitioner's official military personnel file (OMPF).

With regard to the contested Page 11 entry referencing social media guidance, the Board determined there was an error in the 23 March 2017 entry and inclusion in Petitioner's OMPF is unnecessary because an administratively correct entry was issued to Petitioner on 30 March 2017. The Board thus concluded the 23 March 2017 Page 11 counseling entry shall be removed from Petitioner's OMPF.

With regard to the 14 August 2018 Page 11 counseling entry, the Board determined that the entry is in violation of reference (g). Specifically, a commander may not take adverse administrative action against a Service member based solely upon the Incident Status Determination for an act of abuse. The Board thus concluded that the Page 11 entry was issued in error and the entry, as well as the corresponding rebuttal, shall be removed from the 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 (5), his 23 March 2017 Page 11 counseling entry

Petitioner's naval record be corrected by removing enclosures (9) and (10), his 14 August 2018 Page 11 counseling entry and corresponding rebuttal (undated).

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.

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

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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.

6/27/2022

[REDACTED]

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Executive Director  
Signed by: [REDACTED]