



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

[REDACTED]  
Docket No: 2318-22  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) counseling entry of 9 Apr 18  
(3) Spouse's sworn statement of 24 Jan 18  
(4) [REDACTED] 1400 [REDACTED] letter of 30 Mar 21 w/enclosure

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 his naval record be corrected by removing the Administrative Remarks (Page 11) counseling entry at enclosure (2).

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 26 May 2022, and pursuant to its regulations, determined 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 Petitioner's 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, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the applications on their merits.

c. Petitioner was issued a Page 11 entry on 9 April 2018 counseling him after Military Police were called to his residence, on 21 January 2018, for Domestic Assault. The counseling further states the Incident Determination Committee determined the incident met criteria for Intimate Partner Physical Abuse. See enclosure (2).

d. Petitioner contends enclosure (2) is in error, unjust, and should be removed. He contends the counseling entry does not specify who abused whom and that grammatical error has hindered his progression within the Marine Corps despite multiple letters to promotion boards written by himself and his spouse. Petitioner contends the counseling entry should be removed so that his

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character may be represented truthfully to promotion boards.

e. In her 24 January 2018 statement immediately after the incident, Petitioner's spouse explained that she started the argument and woke Petitioner up to confront him. She states she attempted to assault him and Petitioner only acted in self-defense. See enclosure (3).

f. In support of his contentions, Petitioner submitted enclosure (4), a letter to the President of the Fiscal Year 2021 Gunnery Sergeant Selection Board, which included a statement from his spouse as an enclosure. In the letter, which was written to clarify the January 2018 incident for the selection board, Petitioner's spouse took full responsibility for her actions as the perpetrator, advocated for the "excellent leader, husband, father, Marine and mentor" that Petitioner is, and pleaded with the selection board to allow her husband the opportunity to continue his career progression and lead his Marines as a Gunnery Sergeant.

## CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner's request warrants relief. In this regard, the Board noted Petitioner's spouse admitted to being the perpetrator immediately after the incident and has continuously tried to clear her husband's name. Further, the Board noted that the counseling entry does not specify Petitioner's spouse was the perpetrator and implies he was the physical abuser. Based on the ambiguity of the counseling entry and relying on the spouse's statements exonerating Petitioner, the Board concluded it was in the interest of justice to remove the 9 April 2018 counseling entry.

## RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), the 6105 counseling entry of 9 April 2018.

That 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

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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]  
Executive Director  
[REDACTED]