



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

[REDACTED]
Docket No: 3106-22
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1070/12K (IRAM)
(c) MCO 1900.16 (MARCORSEPMAN)
(d) ALMAR 008/17 (Social Media Guidance)
(e) Manual for Courts-Martial, 2019 edition

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) 6105 counseling entry of 18 December 2018
(3) HQMC ltr 1070 JPL of 29 June 2022

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 at enclosure (2).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 2 August 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 18 December 2018, Petitioner was issued a Page 11 6105 counseling for violation of Article 92, Failure to obey and order or regulation, specifically violating ALMAR 008/17, social media guidance by making a public post that had an adverse effect on good order and discipline within or brought discredit upon, the Armed Forces. Petitioner signed the formal counseling and annotated that he did not wish to make a written rebuttal. Enclosure (2).

c. Petitioner contends that the Page 11 6105 counseling is unjust, inaccurate, and not in compliance with policies and procedures contained in references (b) and (c). Petitioner further contends that reference (d) is not a punitive regulation and therefore is not punishable under reference (e).

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d. Enclosure (3) recommended Petitioner's request be approved. The AO noted, in part, that the Petitioner's command issued a formal counseling that erroneously stated Petitioner violated a punitive order by violating reference (d).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. In this regard, the Board concurred with the AO that the 6105 counseling entry erroneously references a violation of Article 92 of reference (d). Therefore, the Board determined that material error exists to warrant the removal of the 6105 counseling entry from Petitioner's record.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2), his 18 December 2018 Page 11 6105 counseling entry, from his record.

That no further relief be granted.

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.

8/29/2022

[REDACTED]
Executive Director

Signed by: [REDACTED]