



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

[REDACTED]
Docket No: 4045-22
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) 10 U.S.C. § 1552
(b) MCO 6100.13A

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks entry, 18 Mar 21
(3) Fitness Report for the reporting period 1 Oct 20 to 31 Mar 21
(4) RELM request, 4 May 21

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) 6105 counseling entry of 18 March 2021, the adverse fitness report for the reporting period 1 October 2020 to 31 March 2021, and the comments made by his chain of command in his Reenlistment Extension Lateral Move (RELM) request from his Official Military Personnel File (OMPF).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 14 July 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 did exhaust all administrative remedies available under existing law and regulation within the Department of the Navy regarding the 6105 counseling entry but not with regards to the adverse fitness report.

b. Petitioner was issued a 6105, on 18 March 2021, counseling him regarding his lack of aggressiveness and focus. Specifically, Petitioner had screened and been selected to attend the Basic Recruiter's Course. He needed to travel from his command in [REDACTED] no later than 28 December 2020 but, due to his lack of aggressiveness and focus towards check out procedures within the battalion, he was unable to receive an itinerary and missed the scheduled course. See enclosure (2).

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c. As a result, Petitioner was issued an adverse annual fitness report for the reporting period 1 October 2020 to 31 March 2021. The report was marked adverse due to marks, derogatory material, and non-recommendation for promotion. See Enclosure (3).

d. Petitioner submitted enclosure (4), on 4 May 2021, requesting to reenlist for 48 months. The RELM request was negatively endorsed by his chain of command.

e. Petitioner contends the 6105 and adverse fitness report were unjustifiably given to him. Specifically, Petitioner's spouse was diagnosed with a very aggressive cancer and was scheduled for a 14 December 2020 surgery in an attempt to prevent the cancer from spreading. His spouse was a [REDACTED] citizen, and because she did not possess the required visa, she could not travel to the United States with the Petitioner. Further, per doctor's orders, next of kin was required to stay at her bedside to assist with post-surgery recover. Petitioner contends his entire chain of command was very well aware of his spouse's situation. Further, his leave request was approved by the Battalion Commander granting him annual leave from 13 to 22 December to specifically attend to his spouse. Petitioner contends the approval "confirmed" to him the command was in the process of modifying his class start date. Upon return from leave, Petitioner discovered the command had not submitted a class modification request and, at this point, it was impossible to get a flight that would allow him to quarantine prior to the class start date.

f. Petitioner further contends that, as a result of him missing the class, the entire chain of command was "heavily reprimanded" for their inability to take the appropriate action. He also contends he was held accountable by his chain of command "to the fullest" by the issuance of the 6105 counseling and adverse fitness report. Additionally, the chain of command did not recommend him for reenlistment and requested cancellation of his recruiting school orders. Petitioner contends this injustice was done in order for his chain of command to portray him as the "sole culprit" and "cover their own reputation."

CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner's request warrants partial relief. The Board, relying on the supporting documentation provided by Petitioner regarding his spouse's medical situation and noting the command's approval of Petitioner's leave, determined Petitioner's request to remove the 6105 counseling issued 18 March 2021 should be granted.

However, the Board did not consider Petitioner's request to remove the fitness report for the reporting period 1 October 2020 to 31 March 2021 because he has not exhausted his administrative remedies by first requesting the Performance Evaluation Review Board (PERB) remove the adverse report.

Further, the Board, noting the RELM request is not a record contained in the OMPF, did not consider Petitioner's request to remove the negative comments because the requested action is not in the Board's purview.

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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 18 March 2021.

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 corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

8/2/2022

[REDACTED]

Deputy Director

Signed by: [REDACTED]