



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

[REDACTED]  
Docket No: 4143-22  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) MCO 1900.16 Ch2 (MARCORSEPMAN)  
(c) U.S. Navy Regulations 1990 W/CH 1  
(d) MCO P1070.12K (IRAM)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) entry of 11 Jan 22

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 30 June 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. On 10 January 2022, Petitioner was issued enclosure (2), a Page 11 entry counseling him after a Student Performance Evaluation Board concluded he inappropriately collaborated by reviewing a former student's paper while writing an essay that required individual effort and committed plagiarism by submitting a former student's passing paper as his own. The Page 11 entry noted specific recommendations for corrective action and the consequences of failing to take corrective action but did not state the assistance that was available to the Petitioner. In rebuttal to the counseling entry, Petitioner submitted a statement.

c. Petitioner contends enclosure (2) does not meet the criteria of reference (b). Specifically, he contends the individual who issued enclosure (2) lacked special court-martial (SPCM) convening authority and was not authorized to sign a 6105 counseling entry.

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d. Reference (b), defines Commander/Commanding Officer as “interchangeable terms for a board-selected or duly appointed commissioned officer or warrant officer who, by virtue of rank and assignment” and per reference (c), “exercises special court-martial convening authority and primary command authority over a military organization...”

e. Reference (d) requires an entry to be signed by the Petitioner and provide an opportunity to make a rebuttal statement.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial corrective action. In this regard, the Board noted the 10 January 2022 counseling entry at enclosure (2) did not meet the criteria for a 6105 counseling entry because it was not signed by a SPCM Convening Authority but determined the entry, which met the requirements detailed in reference (d), would be a valid counseling entry upon redaction of the language regarding administrative separation. The Board thus concluded there is insufficient evidence of material error or injustice warranting the removal of the 10 January 2022 counseling entry based on the recommended correction action.

## RECOMMENDATION

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

Petitioner’s naval record be corrected by redacting the following language from the Administrative Remarks (Page 11) counseling entry of 10 January 2022 at enclosure (2):

“Specific recommendations for corrective action are to adhere to all rules, regulations, and policies outlined in formal schools’ policy letters and student memorandums of understanding. I am advised the failure to take corrective action and any further violations of the UCMJ, disciplinary action, or incidents requiring formal counseling may result in judicial or adverse administrative action, including by not limited to administrative separation.”

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.

7/22/2022

[REDACTED]

Executive Director  
[REDACTED]