



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

█
Docket No: 5435-22

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 1900.16 w/CH 2

Encl: (1) DD Form 149 w/attachments
(2) NAVMC 118(11) Administrative Remarks of 14 Apr 22
(3) █ ltr of 22 Apr 22
(4) █ ltr undated

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that Petitioner's naval record be corrected by removing enclosures (2) and (3).

2. The Board, consisting of █, █, and █, 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 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, 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 14 April 2022, Petitioner was issued a page 11 6105 entry counseling him for improperly securing serialized equipment; failing to produce administrative products without constant supervision and reminders; inadequate preparation of students for Permanent Change of Station actions; failing to complete Air to Ground Contract changes on behalf of six students; departing the field while everyone remained overnight conducting training; and Petitioner was notified that he was relieved for cause as the Senior Enlisted Advisor due to lack of judgment, trust and confidence. Petitioner acknowledged the entry and submitted a statement in rebuttal. See enclosures (2) and (3).

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c. Petitioner contends that the page 11 6105 entry is inaccurate, unjust and false. As evidence, Petitioner furnished a leave authorization form, emails, and enclosure (4); a statement from the armory representative.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board found the existence of an error warranting partial corrective action.

In this regard, the Board noted that Petitioner's page 11 6105 entry was written and issued pursuant to reference (b). Petitioner's page 11 6105 entry provided written notification concerning his deficiencies, specific recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded him the opportunity to submit a rebuttal. However, contrary to reference (b), the page 11 6105 entry was signed by the company commander and not the commanding officer (CO). According to reference (b), the CO must sign adverse page 11 entries. Specifically, reference (b) provides that the terms Commander/Commanding Officer are interchangeable for a board-selected or duly appointed commissioned officer or warrant officer who, by virtue of rank and assignment and per United States Navy Regulation 1990, exercises special court-martial convening authority and primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as a command. The Board determined that because Petitioner's page 11 6105 entry was not signed by the CO, as defined by reference (b), the entry is in error and requires modification.

Despite this determination, the Board also determined that the page 11 entry comprehensively documented Petitioner's substandard performance and, although the 6105 entry is in error, the basis for the entry and the company commander's intent to document Petitioner's substandard performance and relief for cause are valid. Moreover, the Board found Petitioner's evidence insufficient to conclude that the page 11 entry, as modified by the Board, was unwarranted, inaccurate, unjust or false. The Board, thus concluded that the page 11 entry, as modified, should remain in Petitioner's record along with his rebuttal statement contained in enclosure (3).

RECOMMENDATION

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

Petitioner's naval record be corrected by redacting enclosure (2) by removing the statements:

“IAW paragraph 6105 of MCO 1900.16 (MARCORSEPMAN)”

“Specific recommendations for corrective action are to follow all orders and to seek guidance, which is available through your chain of command. 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 but not limited to administrative separation. I understand that failure to complete my enlistment contract with an honorable characterization of service may preclude my

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eligibility for benefits from the Department of Veterans Affairs or other organizations and have an adverse effect on future civilian employment.”

No other changes 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 Regulations, 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.

8/17/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]