



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

[REDACTED]
Docket No. 5756-22
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) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) counseling entry 11 Aug 03
(3) [REDACTED] USMC (Ret) Ltr dtd 19 Jul 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 that her naval record be corrected by removing an Administrative Remarks (Page 11) counseling, enclosure (2), from her official military personnel file (OMPF).

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 September 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, 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. On 11 August 2003, Petitioner received a Page 11 entry for failing to adhere to barracks regulations, specifically, being in a male Marine's room during non-designated visitation hours and displaying an unprofessional attitude when dealing with senior Marines. Petitioner acknowledged the counseling and did not submit a statement in rebuttal.

c. Petitioner contends keeping enclosure (2) in her record is unjust as she was a young lance corporal when she received the counseling entry, that her record since receiving the counseling has been meritorious, and that the counseling could negatively affect her opportunity for promotion. Petitioner included with her petition enclosure (3), a letter from the officer who issued her the counseling entry in 2003, endorsing her request to remove the entry. The letter

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[REDACTED]

notes that Petitioner earned a meritorious promotion to corporal, transferred to the [REDACTED] [REDACTED] where she served as a [REDACTED] [REDACTED], and was selected from the below zone for promotion to gunnery sergeant.

d. Petitioner also provided letters from the [REDACTED] Headquarters and Support Battalion, Marine Corps Installations [REDACTED] and the Officer-In-Charge of Legal Service Support Section East, endorsing the request to remove the Page 11 based on Petitioner's outstanding conduct and performance since the Page 11 was issued.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants relief. The Board noted that Petitioner received the counseling when she was eighteen years old and since then her record shows sustained superior performance. The Board also took into account that the officer who issued the Page 11 also recommended removal. Consequently, the Board found the continued placement of the Page 11 in Petitioner's record unjust and determined that enclosure (2) shall be removed.

RECOMMENDATION

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

Remove enclosure (2), Petitioner's 11 August 2003 Page 11 entry from her 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.

11/1/2022

[REDACTED]
Executive Director
[REDACTED]