



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

[REDACTED]
Docket No: 6050-22
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) MCBUL 1020, Tattoo Policy (2 June 2016)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) counseling entry of 15 Sept 16, Tattoo Policy (less than 120 days)
(3) Administrative Remarks (Page 11) 6105 counseling entry of 22 Apr 17, Tattoo Policy (greater than 120 days)

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. See enclosure (2).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 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 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. 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. Petitioner submitted a request to remove the Page 11 6105 counseling at enclosure (3) due to previously receiving a Page 11 pursuant to reference (b).

c. Petitioner was issued a Page 11 on 15 September 2016 in accordance with reference (b). Reference (b) states that commanders will ensure each Marine with tattoos not in compliance with paragraphs 3 and 4a of the referenced bulleting shall have tattoos documented on NAVMC 118(11), "Administrative Remarks (1070)," no later than 120 days after the date of reference (b).

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d. Petitioner was issued a subsequent Page 11 on 22 April 2017 not in accordance with reference (b). Reference (b) states those Marines that do not have their non-compliant tattoos documented during the 120-day baseline period, or fall out of compliance with this tattoo policy after the baseline period shall receive a NAVMC 118(11) entry documenting their tattoos(s) as described in Figure 1-2 of reference (b).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting relief. Specifically, the Board determined that enclosure (3) was not necessary as the Petitioner was in compliance with the policy with the issuance of enclosure (2). As a result, the Board determined enclosure (3) was procedurally incorrect, not in accordance with reference (b), and should be removed 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 (3), his 22 April 2017 Page 11 6105 counseling entry.

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.

10/18/2022

