



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

[REDACTED]
Docket No. 8135-22
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) MCO 1900.16 (MARCORPSEPMAN)
(c) MCO 1070/12K (IRAM)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (6105) counseling entry, 24 Nov 20
(3) Administrative Remarks (Page 11) counseling entry, 30 Nov 20
(4) Notification of Separation Proceedings, 23 November 2020

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 to remove her Administrative Remarks counseling entries.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 November 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.

b. On 24 November 2020 Petitioner was issued a 6105 counseling entry for violation of Violation of Article 112a, Wrongful Possession of a Controlled Substance, in that on or about 24 September 2020, during the execution of a state issued search warrant by Naval Criminal Investigative Service and local Civilian Authorities at your apartment, there were psychedelic mushrooms found in her room. Petitioner acknowledged the entry and chose not to submit a written rebuttal. Enclosure (2).

c. On 30 November 2020 Petitioner was issued a Page 11 counseling entry for violation of Violation of Article 112a, Wrongful Possession of a Controlled Substance which also informed the Petitioner that it was unlawful to possess, ship, transport, or receive a firearm or ammunition for personal use for a period of 12 months from administrative or judicial means. It notified the Petitioner that she had 5 business days from receipt of the counseling to dispose of all personally owned firearms and ammunition. Petitioner acknowledged the entry and chose not to submit a written rebuttal. Enclosure (3).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC

d. On 23 November 2020 Petitioner was notified by the Commanding Officer of [REDACTED] Marine Division that he intended to recommend Petitioner be discharged from the Marine Corps in accordance with paragraph 6210.5 of reference (b)¹ by reason of misconduct for drug abuse. Petitioner acknowledged receipt of the notification. Enclosure (4).

e. Petitioner contends that the counseling entry was based off of the improper accumulation and negative evidence against her and procedures that were not used to help prove her innocence. She further contends that legal action was taken and she was punished solely based on Marine Corps Policy and Standards. She further claims that she was pregnant at the time and not given the proper resources to help her through that stressful time.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting partial corrective action. The Board noted that although the Petitioner was processed for administrative separation, based upon the Petitioner's record, the Marine Corps elected to retain Petitioner. The Board noted that Petitioner's counseling entries were issued according to the Marine Corps Individual Records Administration Manual (IRAM). However, the Board noted, too, that the IRAM directs not to make entries concern administrative discharge if they do not, upon final review, result in discharge. Accordingly, the Board determined that enclosure (2) counseling entry should be modified.

RECOMMENDATION

In view of the above, the Board directs the following modification to Petitioner's naval record be corrected by redacting the following statement from enclosure (2), 24 November 2020 Administrative Remarks (6105) counseling entry: "I understand that I am being processed for the following judicial or adverse administrative action: administrative separation."

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.

12/20/2022

[REDACTED]

Deputy Director
Signed by: [REDACTED]

¹ In accordance with reference (b), Commanders shall process Marines for administrative separation for illegal, wrongful, or improper use, and possession of any substance that is listed on a scheduled of controlled substances by the President or in Schedules I through V of Section 202 of the controlled Substances Act. All Marines (regardless of pay grade) identified for mandatory processing under the criteria of paragraph 6120.5a will be processed for administrative separation by reason of misconduct due to drug abuse on the first offense.