



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

November 2021 due to pending legal actions. Petitioner acknowledged the entry and elected not to submit a statement. Enclosure (4).

c. On 16 February 2022, Petitioner's administrative separation board unanimously found that the preponderance of evidence does not prove any of the acts or omissions alleged and recommended Petitioner's retention on active duty. Enclosure (5).

d. Petitioner contends that the counseling entries should be removed because the administrative separation could not prove any of the acts or omissions alleged and he was retained on active duty. Petitioner claims that he did not receive non-judicial punishment and the counseling entries are hindering him from being able to reenlist. Enclosure (1).

## CONCLUSION

Upon review and consideration of all the evidence of record the Board determined that Petitioner's request warrants partial relief.

In this regard, the Board noted that Petitioner's administrative separation board recommended that he be retained on active duty. The Board, however, determined that an administrative separation board's purpose is to determine a Marine's suitability to continue to serve on active duty and is not convened to prove one's guilt or innocence. The Board also determined that the commanding officer's determination to issue the 6105 counseling entry and process Petitioner for administrative separation was based upon a preponderance of evidence. The Board also noted that according to reference (d), do not make entries on page 11 which concern administrative discharge, if they do not, upon final review, result in discharge. The Board noted, too, that reference (d) requires commanders to record all confirmed incidents of illegal drug involvement in the member's service record. Pursuant to reference (d), the Board concluded that Petitioner's counseling entries should be redacted by removing any mention of his administrative separation proceedings.

## 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:

“You are hereby being administratively separated from the United States Marine Corps.” And, “I understand that I am being processed for administrative separation due to my drug abuse.”

Petitioner's naval record be corrected by redacting enclosure (3) by removing the statement:

“due to my pending administrative separation.”

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied.

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That no further changes be made to Petitioner's naval 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 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.

2/1/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]