



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

██████████
Docket No. 766-23
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ██████████ ██████████
██████████ USMC

Ref: (a) Title 10 U.S.C. § 1552
(b) MCO 1070.12K w/CH 2

Encl: (1) DD Form 149 w/attachments
(2) Administrative Remarks (page 11) entry, 1 Dec 21
(3) MCTFS Basic Individual Record, 31 Jan 23

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 to remove enclosure (2).

2. The Board, consisting of ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 7 February 2023 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 1 December 2021, pursuant to reference (b), Petitioner was issued a page 11 entry notifying her that she is not recommended for promotion to corporal (Cpl/E-4) due to lack of judgement. Petitioner acknowledged and elected not to make a statement. Enclosure (2).

c. Petitioner contends that the page 11 entry is dated the same date as her date of rank (DOR) for promotion to Cpl. As evidence, Petitioner furnished her Marine Corps Total Force System Basic Individual Record indicating that her present grade is E-4 effective 1 December 2021. Enclosures (1) and (3).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

CONCLUSION

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

The Board noted that the contested page 11 entry was issued pursuant to reference (b), which requires a counseling entry and the member's acknowledgement when not recommended for promotion. In this case, Petitioner acknowledged the entry, however, the evidence indicates that although she was not recommended for promotion, Petitioner was still promoted on 1 December 2021. The Board determined that although the entry is not in error, Petitioner's promotion to Cpl implied that it was not the commanding officer's intent to restrict her from being promoted during December 2021. In the interest of justice, the Board concluded that the contested page 11 entry should be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2).

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.

2/16/2023

[REDACTED]
Deputy Director
[REDACTED]