



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

██████████  
Docket No. 893-23  
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 P1400.32D W/CH1-2 (ENLPROMMAN)  
(c) MCO 1070/12K (IRAM)  
(d) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) entry of 20 Jan 22  
(3) Notification of Separation Proceedings of 20 Jan 22  
(4) Administrative Remarks (Page 11) promotion restriction entry of 20 Jan 22  
(5) Admin Discharge Board report of 6 Jul 22  
(6) CO, Marine Barracks, ██████████ endo of 15 Aug 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 his naval record be corrected to remove his Administrative Remarks (Page 11) entry dated 20 January 2022 from his official military personnel file (OMPF). Enclosure (1).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 21 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 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. Petitioner tested positive on command urinalysis conducted on 29 November 2021. Enclosure (2).

c. On 20 January 2022, Petitioner was issued enclosure (3) for wrongful use of a controlled substance and notifying him that he was being processed for administrative separation. The Petitioner acknowledged and signed the entry, and chose not to submit a statement. Petitioner

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was also issued enclosure (4), a promotion restriction Pg. 11 entry for twelve months, in accordance with reference (b).

d. On 6 July 2022, an administrative discharge board (ADB) was held and, by majority vote, the board members determined that the preponderance of evidence did not prove the act alleged in the notification and recommended retention. On 15 August 2022, the Commanding Officer (CO), [REDACTED], [REDACTED], directed retention. Enclosures (5) and (6).

e. Petitioner asserts that he did not use any form of illegal drugs nor is he a drug user. He further asserts that the prior CO and the ADB proved there was no evidence of drug abuse.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error, in part, warranting partial relief. In this regard, the Board determined that although enclosure (2) complied with references (b) and (c) at the time of issuance, and is a matter of record based on the facts the CO had at the time of issuance, the Petitioner was retained subsequent to his ADB hearing. As such, a portion of the Page 11 entry is not in compliance with reference (b). The Board thus concluded that the language referencing Petitioner is being processed for administrative separation, shall be removed from Petitioner's OMPF.

Notwithstanding the Board's decision to remove references to Petitioner's administrative separation processing from the Page 11 entry, the Board concluded insufficient evidence of error or injustice exists to remove the entry in its entirety. The Board found that remainder of the Page 11 entry remains valid based on Petitioner's positive urinalysis.

Consistent with this action, the Board additionally concluded that a portion of enclosure (4) should also be modified by removing language referencing Petitioner being processed for administrative separation, but the promotion restriction shall remain.

## RECOMMENDATION

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

Petitioner's naval record be corrected by redacting the following language from enclosure (2), Petitioner's Page 11 entry dated 20 January 2022:

*"I understand that I am being processed for the following judicial or adverse administrative action: administrative separation."*

Petitioner's naval record be corrected by redacting the following language from enclosure (4), Petitioner's Page 11 promotion restriction entry dated 20 January 2022:

*"due to being processed for administrative separation."*

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material

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be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

No further changes be made to Petitioner's 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.

3/20/2023

[REDACTED]