



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

██████████  
Docket No. 1509-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████  
XXX XX ██████/█████ USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO P1070/12K w/CH 1  
(c) MCO 1900.16 w/CH2

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks 6105 counseling entry, 9 Mar 22  
(3) Administrative Remarks counseling entry, 9 Mar 22  
(4) CO, ██████ ltr 1070 CO, 10 Jan 23

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 the 9 March 2022 Administrative Remarks 6105 counseling entry.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 21 March 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, found that, before applying to this Board, he exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 9 March 2022, Petitioner was issued a counseling entry for slapping and throwing a logbook at the body of ██████████. On the same date, Petitioner was issued a counseling entry notifying her that she is restricted from being promoted to the next higher grade for 12 months. Petitioner acknowledged the counseling entries and elected not to submit a statement.  
Enclosures (2) and (3)

b. On 10 January 2023, the Commanding Officer (CO), Combat Logistics Battalion ██████████ submitted correspondence recommending removal of Petitioner's contested counseling entries. The CO indicated that he issued the counseling entries after receipt of a military police report alleging that the Petitioner struck her intimate partner. Multiple request to review relevant security footage were denied by the records custodian. However, after having the opportunity to

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personally review the security footage from the incident, he determined that the police did not accurately describe the facts, therefore, allowing the counseling entries to remain in her record would be an injustice. Enclosure (4)

c. Petitioner explained that she denied the accuracy of the police report or that she had committed assault. After the CO was finally able to view the security footage, he determined the incident did not happen as alleged in the report. As evidence, Petitioner furnished enclosure (4).

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief.

The Board noted the CO's correspondence recommending removal of the counseling entries and found his justification credible and sufficient to demonstrate an injustice. The Board also noted that Petitioner did not specifically request to remove the counseling entry restricting her promotion. In the interested of justice, the Board determined that the both counseling entries should be removed.

#### RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosures (2) and (3).

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 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.

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.

4/14/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]