



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

[REDACTED]
Docket No. 2851-23
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 (MARCORSEPMAN)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) 6105 counseling entry, 22 Jun 15
(3) Administrative Remarks (Page 11) counseling entry, 5 Apr 17
(4) Administrative Remarks (Page 11) counseling entry, (undated)

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 by removing enclosure (2).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 April 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. On 22 June 2015, Petitioner was issued a counseling entry for violation of Squadron Policy Letter 5-14 for leaving base without signing out with the Squadron Duty Officer prior to executing the liberty plan. The counseling entry was signed and initialed. Enclosure (2).

b. The Petitioner provided two other counseling entries for signature comparison. Enclosures (3) and (4). In addition, his chronological record documents that he reported to another command, in [REDACTED], on 19 June 2015.

c. Petitioner contends that the counseling entry has his name and Electronic Data Interchange Personal Identifier (EDIPI) on the bottom but that it does not have his signature. He further claims that he was not at the unit when the counseling entry was issued.

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CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner's request warrants relief. The Board noted that Petitioner provided sufficient evidence that the initials "REC" and signature were not the Petitioner's and that the counseling entry was uploaded into the Petitioner's Official Military Personnel Files (OMPF) in error. Specifically, the Board relied on Petitioner's chronological record that documents he reported into another command on 19 June 2015, three days prior to the issuance of enclosure (2). The Board thus concluded that the contested counseling entry shall be removed from Petitioner's record.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Petitioner's naval record be corrected by removing enclosure (2), the counseling entry, dated 22 June 2015, from his OMPF.

That no other relief be granted.

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.

5/12/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]