



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

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Docket No. 7599-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
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Ref: (a) 10 U.S.C. § 1552  
(b) MCO 1900.16 CH2 (MARCORSEPMAN)  
(c) MCO P1070.12K (IRAM)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) entry of 2 Nov 21  
(3) Petitioner's rebuttal of 1 Nov 21  
(4) CO █ School ltr 1420 CO of 1 Feb 22  
(5) █ e-mail, subj: [Petitioner] OMPF, 11 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 removal of enclosures (2) and (3), derogatory material within his Official Military Personnel File.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 16 November 2023, and pursuant to its regulations, determined 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, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued enclosure (2) on 2 November 2021 stating he "will not be promoted to Corporal for the month of November 2021 due to pending legal action." In his rebuttal at enclosure (3), he contends the accusation against him was "totally false" and further shares attributes and accomplishments that support promotion to Corporal.

c. After all pending charges were dismissed and Petitioner was released from legal hold, Commanding Officer (CO), Personnel Administration School, immediately requested Petitioner's promotion to Corporal be "reported and backdated with an effective date of 1 November 2021." See enclosure (4).

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d. Petitioner contends, and the CO reiterates in enclosure (5), that he was exonerated/wrongfully accused of something and had to wait approximately 18 months...for the investigation to play out.” With his release from legal hold and promotion to Corporal with an effective date of 1 November 2021, Petitioner contends the Page 11 does not accurately reflect his military service. The CO’s communication with Headquarters Marine Corps in the e-mail at enclosure (5) specifically requests removal of the Page 11 entry and associated rebuttal. See Enclosure (1).

#### CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner’s request warrants relief.

The Board noted the Page 11 counseling of 2 November 2021, which specifically stated he would not be promoted to Corporal in November 2021, is no longer accurate due to Petitioner’s remedial promotion backdated to 1 November 2021. The Board, noting the CO’s e-mail at enclosure (5) reflects his full support of Petitioner’s requested relief, determined it was in the interests of justice to remove enclosures (2) and (3).

#### RECOMMENDATION

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

Petitioner’s naval record be corrected by removing the derogatory material at enclosures (2) and (3), specifically the Page 11 dated 2 November 2021 and the associated rebuttal.

That 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.

12/14/2023

[REDACTED]