



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

██████████
Docket No. 7653-23
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 1900.16 (MARCORSEPMAN)
(c) MCO 1070/12K (IRAM)
(d) JAGINST 5800.7G CH1

Encl: (1) DD Form 149 w/enclosures
(2) NPLOC, 4 Feb 21
(3) Administrative Remarks (Page 11) entry, 2 Jun 21
(4) Administrative Remarks (Page 11) entry, 13 Jun 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 by removing enclosures (2) and (3) from his official military personnel file (OMPF).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 26 September 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 4 February 2021, Petitioner was issued enclosure (2) for missing his assigned Recruiter mission by three contacts. The Petitioner was informed that the Non-Punitive Letter of Caution (NPLOC) was not punitive in nature and will not be filed in his permanent record; however, could be used as evidence and/or an enclosure for punitive actions if deficiencies continued to occur.

b. On 2 June 2021, Petitioner was issued enclosure (3), counseling him in accordance with reference (b) for his failure to complete assigned mission. Specifically, for finishing 33/41 for his assigned annual mission. The entry also contained the following language: "You previously

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received a Non-Punitive Letter of Caution on 4 February 2021 for being three contracts behind at the conclusion of the first trimester.” Petitioner acknowledged the contents of the entry, signed the entry and chose not to make a statement.

c. On 13 June 2022, Petitioner was issued enclosure (4), counseling him in accordance with reference (b) for his failure to complete assigned mission. Specifically, for finishing the second trimester 28/31 for his assigned aggregate mission. The entry also contained the following language: “You previously received a Non-Punitive Letter of Caution on 1 February 2022 for being three contracts behind at the conclusion of the first trimester. That NPLOC formally assigned you to Performance Probation per the Command’s FY22 Substandard Performance Policy.” Petitioner acknowledged the contents of the entry, signed the entry and chose not to make a statement.

d. Petitioner contends that the entries are in violation of Judge Advocate General Instruction (JAGINST) 5800.7G and references (b) and (c). Specifically, mentioning of the NPLOC and that the command did not forward the entries to the Commandant of the Marine Corps within the 30-day period. Petitioner contends that this is an error and the entries should be deleted.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial relief. In this regard, the Board determined that enclosures (3) and (4) did not comply with references (b), (c), and (d) at the time of issuance. Specifically, the entries are not 6105 counseling entries in accordance with reference (b) as they do not meet the required elements since they are missing where the Petitioner is to seek assistance. Furthermore, per reference (d), NPLOCs are not to be mentioned in administrative remarks, however, the details of the letter are authorized. In this case, the Board noted that both entries mention that the Petitioner received a NPLOC, which is unauthorized. As such, the Board determined that a portion of the Page 11 entries are not in compliance with references (b), (c), and (d). The Board thus concluded that the language referencing Petitioner is being counseled in accordance with paragraph 6105 of reference (b) and the mentioning of the NPLOC, shall be redacted from Petitioner’s OMPF; however, the Page 11 entries absent the removed language, shall remain, as they are valid based on his documented performance on Recruiting duty.

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 (3), Petitioner’s Page 11 entry dated 2 June 2021:

“IAW paragraph 6105 of MCO 1900.16 W/CHI (MARCORSEPMAN)” and “You previously received a Non-Punitive Letter of Caution on 4 February 2021 for being three contracts behind at the conclusion of first trimester.”

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Petitioner's naval record be corrected by redacting the following language from enclosure (4), Petitioner's Page 11 entry dated 13 June 2022:

“LAW paragraph 6105 of MCO 1900.16 W/CH1 (MARCORSEPMAN)” and “You previously received a Non-Punitive Letter of Caution on 1 February 2022 for being three contracts behind at the conclusion of first trimester. That NPLOC formally assigned you to Performance Probation per the Command's FY22 Substandard Performance Policy.”

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.

That no further changes be made to Petitioner's naval 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.

10/23/2023

