



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

█  
Docket No. 7753-23

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 1070.12K w/CH 2  
(c) MCO 1900.16F w/CH 2

Encl: (1) DD Form 149 w/attachments  
(2) NAVMC 118(11) Administrative Remarks of 2 Feb 22

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to remove the 2 February 2022, Administrative Remarks (page 11) entry.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 3 October 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. 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, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 2 February 2022, pursuant to reference (b) and paragraph 6105 of reference (c), Petitioner was issued a 6105 entry counseling him for violating Uniform Code of Military Justice (UCMJ) Article 112a for consuming 30 sleep aid pills over a 24-hour period for the purpose of feeling like he was intoxicated and not for its intended use. Petitioner acknowledged the counseling entry and elected not to make a statement. Enclosure (2).

b. In his application, Petitioner contends that the counseling entry was issued and signed by the company commander when he was not authorized to do so and the entry was filed without proper authorization, thus it was issued and signed wrongfully. Enclosure (1).

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
XXX XX [REDACTED] USMC

## CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found the existence of an error warranting partial corrective action.

The Board noted that Petitioner was properly counseled for the wrongful use of prescription medication. The Board also noted that reference (c) clarified the definition of Commander/Commanding Officer and determined that the officer that issued the counseling entry did not use the appropriate format. Instead of issuing the counseling entry pursuant to paragraph 4006 of reference (b), the officer issued an entry pursuant to paragraph 6105 of reference (c). The Board also determined that the company commander had the authority to counsel Petitioner and to issue a counseling entry for the improper use of prescription medication. Therefore, Petitioner's counseling entry should be modified by removing paragraph three. The Board concluded that the balance of the counseling entry is valid.

## RECOMMENDATION

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

Petitioner's naval record be corrected by modifying the 2 February 2022, counseling entry by removing the statement:

"Failure to take corrective action and any further violations of the UCMJ, disciplinary action, or incidents requiring formal counseling may result in judicial or adverse administrative action, including but not limited to administrative separation."

No other corrections 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 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.

[REDACTED]