



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

[REDACTED]  
Docket No. 9165-23  
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)  
(c) MCO 1070/12K (IRAM)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks 6105 Counseling Entry, 1 Mar 23  
(3) Petitioner's 6105 Counseling Entry Rebuttal, 6 Mar 23  
(4) Administrative Remarks 6105 Counseling Entry, 27 Jul 23  
(5) Petitioner's 6105 Counseling Entry Rebuttal, 24 Jul 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 his naval record be corrected by removing enclosures (4) and (5), and duplicate copies from his naval record.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 November 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 1 March 2023, pursuant to reference (b), Petitioner was issued a 6105 counseling entry for violation of Article 92, Uniform Code of Military Justice for failure to obey a regulation or order. Specifically, a command investigation found by a preponderance of the evidence that Petitioner targeted, belittled, and harassed junior Marines and berating a subordinate. Petitioner acknowledged and signed the entry and submitted a statement, in which he alleged his actions were conducted to maintain good order and discipline, everything was executed to correct deficiencies, and there was not targeting involved. Enclosures (2) and (3).

b. On 27 July 2023, pursuant to reference (b), Petitioner was issued a 6105 counseling entry for violation of Article 92, Uniform Code of Military Justice for failure to obey a regulation or order, to wit: Chapter 1, paragraph 3 of MCO 5354.1F. Specifically, by wrongfully berating a lance corporal with the purpose of belittling and humiliating him, and by wrongfully engaging in behavior that created a hostile work environment. Petitioner acknowledged and signed the entry and submitted a

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

statement, in which he stated he was originally offered non-judicial punishment, but refused and the charges were subsequently withdrawn and dismissed. Petitioner further stated his actions were done to maintain good order and discipline, he has learned from this situation, and the investigation officer who was in his leadership believed him to be a good Marine. Enclosures (4) and (5).

c. In his application, Petitioner references the aforementioned documents and contends that his unit commanding officer recommended the counseling entry dated 27 July 2023 be removed after concluding that he had already received a counseling entry for the event on 1 March 2023.

#### CONCLUSION

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

In this regard, the Board determined that Petitioner's counseling entries were written and issued according to references (b) and (c). The Board noted Petitioner's contention but found the evidence provided was insufficient of an error or injustice. The Board determined that the aforementioned counseling entries will remain in Petitioner's naval record as written and issued.

The Board, however noted that the counseling entry dated 27 July 2023, enclosure (4), and its associated rebuttal dated 24 July 2023, enclosure (5), were placed in Petitioner's naval record as duplicate copies, and determined that duplicate copies *only* should be removed from Petitioner's naval record.

#### RECOMMENDATION

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

Petitioner's naval record be corrected by removing duplicate copies *only* of enclosures (4) and (5). Note: Headquarters, U.S. Marine Corps will determine the best copies to be maintained and will ensure one copy of enclosures (4) and (5) remain in Petitioner's naval record.

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.

11/30/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]