



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

██████████  
Docket No. 9382-23  
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)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks 6105 Counseling Entry, 12 Oct 22  
(3) Petitioner Statement to the 6105 Counseling Entry, 16 Oct 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 naval record.
2. The Board, consisting of ██████████ and ██████████ 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 12 October 2022, pursuant to reference (b), Petitioner was issued a 6105 counseling for unsatisfactory performance. Specifically, for failure of a physical fitness test while serving as a student at Drill Instructor Class ██████████. Petitioner acknowledged and signed the entry, and submitted a statement, in which he took full responsibility for his action. Enclosures (2) and (3).
  - b. Petitioner contends that there is an administrative error with the entry as the commanding officer (CO) did not endorse the document as required by the Marine Corps Separations and Retirement Manual.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting relief. In this regard, the Board determined that enclosure (2) is not in compliance with references (b) and (c) as the CO did not sign the entry. The Board noted that reference (b) requires the CO to sign adverse counseling entries, and the lack of the CO's signature renders the counseling

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invalid. Therefore, the Board concluded that the counseling will 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 enclosures (2) and (3).

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.

12/1/2023

