



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

██████████
Docket No. 9532-23
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 P1070.12K (IRAM)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks Page 11 Counseling Entry, 24 Oct 16
(3) Commanding Officer, ██████████ ltr 1300 Adj, 1 Aug 17

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 enclosure (2) be removed from his naval record.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 21 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 Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Although enclosure (1) was not filed in a timely manner, the Board Majority found that it is in the interest of justice to waive the statute of limitation and consider Petitioner's application on its merits. Having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board finds as follows:

a. On 24 October 2016, Petitioner received a Page 11 counseling entry concerning his Relief for Cause from the ██████████ due to alleged misconduct and a pending investigation by the Naval Criminal Investigative Service and the Office of Special Investigation (State Department). Petitioner acknowledge (by signing) the entry and elected not to submit a statement. Enclosure (2).

b. On 1 August 2017, the Commanding Officer, ██████████ recommended to the ██████████ Petitioner's relief for the Good of Service. Specifically noting, "[Petitioner] was recently the victim of multiple on-line distribution of personal photos by a foreign individual in which the Marine had a romantic relationship with to place shame on the Marine. As a result, this particular foreign individual tarnished [Petitioner's] dignity by compromising his character and good standing within the

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diplomatic community. The known efforts and possible future exploitation actions by this foreign individual on-line does not allow for [Petitioner] to continue to serve on the special duty assignment abroad without legitimate concern for the compromise of the [REDACTED] program. Allowing [Petitioner] to return to [REDACTED] would subject him and other Marines on this special duty assignment to serious counter intelligence threats.” Further noting “[Petitioner’s] special duty assignment pay will be terminated effective the date of this letter or upon void of the additional Military Occupational Specialty of 8156 by Headquarters, Marine Corps. [Petitioner] is authorized to wear the [REDACTED]) Ribbon.”
Enclosure (3).

c. Petitioner contends that his Relief for Cause was adjudicated and he was instead relieved for the Good of Service. Therefore, he contends that he should not have the Relief for Cause counseling entry in his Official Military Personnel File.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an error warranting partial corrective action. Specifically, the Board noted that the Commanding Officer, [REDACTED], recommended Petitioner’s relief for the “Good of Service” and not “Relief for Cause.” However, the Board determined Petitioner provided insufficient evidence to warrant removal of the counseling entry in its entirety. The Board noted that although he was not relieved for cause, he was still removed from [REDACTED] duty based upon the legitimate concern that Petitioner had compromised the [REDACTED] program. In view of the foregoing, the Board determined that Petitioner’s requested relief be partially granted by modifying the counseling to accurately reflect the action that occurred.

RECOMMENDATION

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

Petitioner’s Page 11 counseling entry at enclosure (2) will be modified as such:

“Counseled this date concerning **Relief for Cause** from....” *replaced with* “Counseled this date concerning **Good of Service** from....”

And

“you are being relieved for cause from the [REDACTED].” *removing and replacing words to reflect* “you are being **removed** from the [REDACTED].”

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 titled matter.

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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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

12/21/2023

