



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

█  
Docket No. 475-23  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █  
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Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1070.12K (IRAM)  
(c) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) Promotion Restriction counseling entry (Undated)  
(3) Petitioner, Pay & Leave Summary of 3 Jan 24  
(4) MCTFS D199, Not Recommended for Promotion of 26 Jan 24

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 her naval record be corrected by removing enclosure (2), an Administrative Remarks (Page 11) counseling entry.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 30 January 2024, 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 as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Petitioner was issued an Administrative Remarks, Promotion Restriction counseling entry to the rank of corporal for the months of October, November, and December of 2020. The counseling entry is unsigned, undated, and has "SNM refused to sign" written across the bottom. Enclosure (2).

c. Petitioner was on maternity leave from 24 September 2020 through 16 December 2020. See Enclosure (3).

d. Petitioner was not recommended for promotion from 18 December 2020 through 17 August 2021. See Enclosure (4).

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e. Petitioner contends that while she was on maternity leave from 22 September through 16 December 2020 she apparently received the counseling entry. However, she claims that it incorrectly states that she “refused to sign” because she had no knowledge of the counseling entry.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that Petitioner’s request warrants relief. The Board noted the contested counseling entry was not written in accordance with reference (b). Specifically, for all not recommended for promotion counseling entries, the Marine is required to sign the entry. Moreover, the Board determined Petitioner provided sufficient evidence that she was unavailable to be counseled during the period alleged, as she was on maternity leave after the birth of her child. The Board thus concluded that the contested Page 11 counseling entry shall be removed from Petitioner’s record.

#### RECOMMENDATION

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

Petitioner’s naval record be corrected by removing enclosure (2), the undated Administrative Remarks, Promotion Restriction counseling entry from her Official Military Personnel File.

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.

2/28/2024

