



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

TJR
Docket No: 9058-13
9 September 2014

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary with attachments
(3) Subject's naval record/CD
(4) HQMC Military Justice Branch, Judge Advocate Division (JAM) memo dated 2MAY14
(5) HQMC Manpower Information Quality Assurance, Manpower Information Systems Division (MIQ) memo dated 4JUN14

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that her record be corrected by removing derogatory material, specifically, an administrative remarks (page 11) entry dated 24 April 2007, which reflects that she was counselled regarding fraternization.

2. The Board, consisting of Messrs. Bey, Clemmons, and Zsalman, reviewed Petitioner's allegations of error and injustice on 12 August 2014 and, pursuant to its regulations, determined that the partial corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinions (AO) provided by Headquarters Marine Corps (HQMC) JAM and MIQ, copies of which are attached as enclosures (4) and (5).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

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

b. Enclosure (1) was filed in a timely manner.

c. Petitioner's record contains a page 11 entry dated 24 April 2007, which reflects, in part, that she was the subject of

an investigation because of her "rumored" inappropriate adulterous relationship with a married Chief Warrant Officer (CWO).

d. In the AO from HQMC JAM (enclosure (4)), it was recommended that the page 11 entry remain in the record, but it should be redacted by removing all references to an adulterous affair with a CWO, and the investigation which resulted from this information. The AO states, in part, that as written, the foregoing information is not authorized to be filed in the record as counselling, and therefore should be removed from her OMPF and/or Electronic Service Record (ESR). The AO from HQMC MIQ concurs with the foregoing recommendation.

e. Although Petitioner requested that the entire page 11 be removed, she only objected to the language which the JAM AO recommends redacting.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the AOs, the Board finds the existence of an error and injustice warranting partial corrective action. In this regard, the Board concludes that the page 11, although incorrectly written, should remain in the record but be redacted by removing all references regarding an inappropriate relationship with a "married" CWO and the investigation regarding the inappropriate relationship. The Board concludes that the CWO's marital status should not be revealed in her page 11 because it implies she may have committed adultery. In view of the foregoing, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by redacting the administrative remarks (page 11) entry dated 24 April 2007 by totally obliterating the following verbiage:

(1) The word "married" which indicates the CWO's marital status.

(2) All references regarding the investigation: *"This command ordered an investigation after rumors of an adulterous affair began to adversely affect morale and productivity. An investigating officer conducted the investigation and concluded the following: Investigating Officer Opinions: There was an inappropriate relationship between you and a Chief Warrant Officer 3. The inappropriate relationship between you and the*

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Chief Warrant Officer was probably sexual. The relationship that you had with a Chief Warrant Officer in this command did not respect the differences in rank. However, it would cost the government a great deal of time and money to attempt to prove conclusively that this inappropriate relationship was sexual in nature. For these reasons, your misconduct is being handled administratively with this page 11."

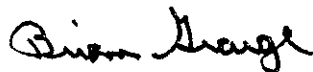
(3) The appearance of a formal reprimand: "Instead, you have let down your entire chain of command. This type of conduct will not be tolerated."

b. That any and all 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.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross-reference being made a part of Petitioner's naval record.

d. That no further relief be granted.

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.



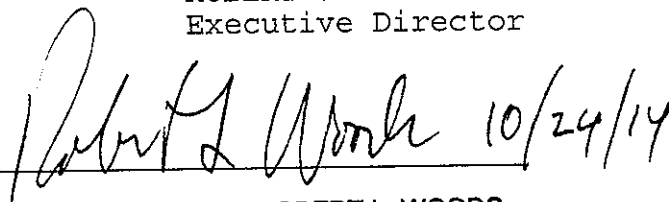
BRIAN J. GEORGE
Recorder

5. The foregoing report of the Board is submitted for your review.



ROBERT J. O'NEILL
Executive Director

Reviewed and approved: _____



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