



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

[REDACTED]
Docket No: 3083-16
MAY 30 2017

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

Subj: REVIEW OF NAVAL RECORD
ICO [REDACTED] XXX XX [REDACTED] USMCR

Ref: (a) 10 U.S.C. 1552
(b) MCO P1070.12K

Encl: (1) DD Form 149 with attachments
(2) Subject's naval record (excerpts)
(3) NAVMC 118(11) dtd 10 Nov 14
(4) CO ltr 1000 CO dtd 28 Jul 15
(5) HQMC ltr 1070 MIQ 22 Dec 16

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting to remove an Administrative Remarks (Page 11) counseling dated 10 November 2014, from his Official Military Personnel File (OMPF).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 March 2017, 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 enclosures (1) through (5), 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 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 received a Page 11 counseling dated 10 November 2014 per enclosure (3) for failure to exercise good judgment on 2 November 2014, while assignment to Security Guard Detachment [REDACTED]. The Petitioner left behind another Marine while on liberty in an area given cause for concern. The Petitioner refused to sign the Page 11 counseling entry.

Subj: REVIEW OF NAVAL RECORD

ICO [REDACTED] XXX XX [REDACTED] USMCR

d. Petitioner's Commanding Officer (CO) who issued the Page 11 counseling forwarded a letter to Headquarters Marine Corps (HQMC) per enclosure (4), requested to have the Page 11 entry removed from the Petitioner's OMPF. This decision was made after a further review on the Petitioner's deficiencies.

e. HQMC provided a favorable advisory opinion in response to the Petitioner's claim per enclosure (5). The advisory opinion concluded that the Page 11 counseling entry dated 10 November 2014 should be removed from the Petitioner's OMPF. The Petitioner was not properly counseled since the Page 11 counseling entry was not signed. Furthermore, there was no election made to indicate he was aware of the "SNM REFUSED TO SIGN" entry. The Marine Corps Individual Records Administration Manual provides guidance regarding the proper administrative procedures when members fail to sign a Page 11 counseling entry. The Petitioner's command was required to generate a counter-entry indicating that he refused to sign the entry despite being aware of his deficiencies listed per enclosure (3).

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief in the form of removing the Page 11 counseling entry dated 10 November 2014. In addition, the Board felt that the letter on behalf of the Petitioner's CO provided a clear indication regarding his intent to remove the adverse entry.

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

RECOMMENDATION:

Petitioner's naval record be corrected by removing his Page 11 counseling entry dated 10 November 2014, from Petitioner's OMPF.

All duplications of the Page 11 counseling entry relating to the topic in dispute be removed from the Petitioner's OMPF.

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.

[REDACTED]
Recorder


Subj: REVIEW OF NAVAL RECORD

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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 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.


Executive Director