



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

[REDACTED]
Docket No: 3221-16
APR 04 2017

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

Subj: REVIEW NAVAL RECORD ICO

[REDACTED] USMC

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

- Encl: (1) DD Form 149 with attachments
(2) Administrative Remarks (Page 11) dtd 19 Dec 14
(3) Petitioner's Rebuttal Statement dtd 27 Dec 14
(4) [REDACTED] court order for expungement of records dtd 1 Apr 15
(5) CO ltr 1230 HCO/CO dtd 8 Apr 16
(6) HQMC memo 1070 MIQ dtd 6 Dec 16

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) the Petitioner requested to remove his Administrative Remarks Page 11 (6105) counseling entry dated 19 December 2014, from his Official Military Personnel File (OMPF). Enclosures (1) through (6) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 February 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 his 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. On 19 December 2014, Petitioner received a Page 11 (6105) counseling for an arrest that occurred on 22 November 2014 per enclosure (2). The Petitioner was counseled and notified of his deficiencies and was advised of recommended corrective action and available assistance. Additionally, he was warned that failure to corrective action could result in administrative discharge action.

Subj: REVIEW NAVAL RECORD ICO

[REDACTED] USMC

d. Petitioner submitted a rebuttal statement in response to administrative remarks (6105) per enclosure (3).

e. Per enclosure (4), on 1 April 2015, the commonwealth of [REDACTED] expunged the charge of public intoxication the involved the Petitioner.

f. Per enclosure (5), Petitioner's commanding officer submitted a letter to the Commandant of Marine Corps requesting the removal of the Page 11 (6105) counseling dated 18 December 2014, stating, in part, that he did sign and counsel and sign the entry. However, since that time, additional facts had come to light that caused him to re-evaluate his decision.

g. Enclosure (6) is a favorable advisory opinion in response to the Petitioner's claim. It states, in part, that Petitioner's Page 11 (6105) was determined to be unjust due to additional details that had come to light since the entry was made.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (4) and (5), the Board concluded that Petitioner's request warrants relief in the form of removing from his record, the Page 11 (6105) counseling imposed on 19 December 2014 from his OMPF.

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

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the Page 11 (6105) counseling dated 19 December 2014 from his OMPF.

b. That 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.

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 NAVAL RECORD ICO

[REDACTED] USMC

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.

[REDACTED]
Executive Director