



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

[REDACTED]  
Docket No. 7153-16  
AUG 11 2017

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MEMBER  
[REDACTED] USMC, XXX-XX-[REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) Case summary with attachments  
(3) Petitioner's naval record (excerpts)  
(4) HQMC memo 1070 MIQ dtd 28 Nov 16

1. Pursuant to the provisions of reference (a) Petitioner filed enclosure (1) with this Board requesting that his naval record be corrected by removing multiple Administrative Remarks (Page 11) counseling entries dated 26 August, 23 September, and 26 October 2015 from his Official Military Personnel File (OMPF) and Electronic Service Record (ESR). He also requests that his RE-4B reentry code be upgraded. Enclosures (1) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 May 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 the enclosures, 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 tested positive for two materials used in the drug group benzodiazepines during a random battalion urinalysis conducted on 2 July 2015. Subsequently, a preliminary inquiry (PI) was conducted. On 11 August 2015, the results of the PI indicated that Petitioner did not wrongfully use prescription narcotics.

d. On 26 August 2015, Petitioner was notified of mandatory administrative separation processing by reason of misconduct due to drug abuse. Petitioner did not consult with counsel but requested an administrative discharge board (ADB). On the same date, he also received two

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Page 11 counseling entries, one for wrongful use of a controlled substance and another for being placed in a promotion restriction status.

e. On 23 September 2015, Petitioner received a Page 11 counseling entry concerning the availability of drug or alcohol counseling.

e. On 26 October 2015, the ADB determined that misconduct did not occur and recommended retention in the Marine Corps. Subsequently, both Petitioner's battalion and regimental commanders recommended retention. Petitioner also received a Page 11 counseling concerning his ADB.

f. On 17 December 2015, the Staff Judge Advocate recommend not pursuing Secretarial Action to discharge Petitioner. The Commanding General concurred and directed retention.

g. On 8 September 2016, Petitioner was discharged at the completion of his required active service with a RE-4B (in service illegal drug involvement) reentry code.

h. The Board requested an advisory opinion from the office having cognizance over the subject matter. The advisory opinion, dated 28 November 2016, has commented to the effect that the request has merit and warrant favorable action and that all entries referencing his administrative separation should be removed from his ESR. See enclosure (4).

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of enclosure (4), the Board concludes that Petitioner's request warrants relief. The Board concurs with enclosure (4), to remove all the Page 11 counseling entries requested by the Petitioner from his ESR and OMPF. Additionally, the Board concludes that as Petitioner was cleared of any illegal drug involvement, a RE-4B reentry code is not appropriate.

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

## RECOMMENDATION:

That Petitioner's naval record be corrected by removing the Page 11 counseling entries dated 26 August 2015, 23 September 2015, and 26 October 2015 from his ESR and OMPF.

That Petitioner's reentry code be change to RE-1A.

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.

That no further changes be made to Petitioner's record.

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4. It is certified that 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

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.

[REDACTED]

Executive Director