



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

[REDACTED]
Docket No: 7305-16
MAY 29 2017

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

Subj: REVIEW OF NAVAL RECORD

ICC [REDACTED] JSMC

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

Encl: (1) DD Form 149 with attachments
(2) Subject's naval record (excerpts)
(3) NAVMC 118(11) dtd 29 Apr 16
(4) NAVMC 118(11) dtd 29 Apr 16
(5) Petitioner's Rebuttal to 6105 Statement dtd 4 May 16
(6) NAVMC 11296 dtd 8 Jun 16
(7) [REDACTED] ltr 5000 S-1 dtd 9 Aug 16
(8) HQMC memo 1070 MIQ dtd 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 two Administrative Remarks (Page 11) dated 29 April 2016 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 (8), 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 entry dated 29 April 2016 per enclosure (3) for falsely misrepresenting himself as the [REDACTED] Intelligence Battalion Security Officer, with the intent to obtain information regarding a clearance package. The Petitioner refused to sign the Page 11 entry. However, he was given a second Page 11 counseling in which he signed and chose to make a rebuttal statement. See enclosure (5).

Subj: REVIEW OF NAVAL RECORD

ICO [REDACTED]

USMC

d. Petitioner submitted a Marine Corps Request Mast application with the intent to remove the Page 11 counseling entries on 29 April 2016 per enclosure (6). The Petitioner submitted request mast to the Commanding Officer of [REDACTED] Marine Expeditionary Force [REDACTED] Headquarters Group to requesting the removal of the Page 11 counseling entries. The Petitioner's request mast application was not conducted.

e. [REDACTED] Commanding Officer provided a letter to the Board for Correction of Naval Records indicating that based of the information provided and lack of a proper investigation conducted there was no justification to support the Page 11 counseling entries in the Petitioner's OMPF per enclosure (7).

f. HQMC provided a favorable advisory opinion in response to the Petitioner's claim per enclosure (8). The advisory opinion concluded the two Page 11 counseling entries dated 29 April 2016, should be removed from the Petitioner's OMPF.

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 two Page 11 counseling entries dated 29 April 2016 per enclosures (3) and (4). The Board found that the lack of a proper investigation did not justify the two entries receive by the Petitioner on 29 April 2016.

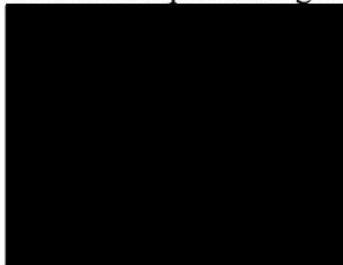
In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

Petitioner's naval record be corrected by removing the two Page 11 entries dated 29 April 2016 from Petitioner's OMPF.

All duplications of the Page 11 counseling 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.



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