



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

[REDACTED]
Docket No: 0410-17
APR 10 2017

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

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

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

Encl: (1) DD Form 149 with attachments
(2) Case summary with attachments
(3) Petitioner's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his naval record be corrected by removing any and all derogatory material, specifically, administrative remark (Page 11) entry dated 8 June 2015, from his Official Military Personnel File (OMPF) and/or Electronic Service Record (ESR), where applicable. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice 8 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 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's record contains an administrative remarks' (Page 11) counseling entry, dated 8 June 2015. Petitioner was counseled regarding being eligible, but not recommended to Sergeant for the quarter of July, August and September 2015 because of lack of professionalism, lack of initiative, and lack of responsibility. He was advised that he had five working days after acknowledgement of this entry, to submit a written rebuttal which would be filled in his ESR.

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

d. Petitioner contends that he was given the Page 11 entry during a time he was being treated for a mental health issue, he was never given the opportunity to submit a rebuttal to the Page 11 within the five working days and he was not present to sign the Page 11.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board concluded that the Petitioner should have been given an opportunity to submit a rebuttal regarding his actions that are outlined in the Page 11.

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

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the Page 11 counseling entry dated 8 June 2015 from his ESR and 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

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