



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

Docket No: 5096-17
OCT 26 2017

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Administrative Remarks (Page 11) counseling entry of 6 Mar 17

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting the removal of an Administrative Remarks (Page 11) counseling dated 6 March 2017, from his Official Military Personnel File (OMPF) Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 July 2017, and pursuant to its regulations, determined that the partial 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. On 6 March 2017, the Petitioner received a Page 11 counseling warning which states, in part, that the he was counseled for failing to obey a lawful order given by the Communications Company Commander. Specifically, at 0600, 21 February 2017, he was not present at the first event of the day. By not communicating and wrongfully dismissing this order, which resulted in an erroneous morning report being published by a subordinate Marine. One of the Petitioner's Marine was annotated as present for duty, when in actuality he was in an unauthorized absence status while in the hands of civilian authorities. See enclosure (3).

d. Petitioner states in part, that he was at his appointed place of duty that is specified within the Page 11 counseling.

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CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief.

In reaching its conclusion, the Board after careful conscientious consideration of the Petitioner's record, the Board concluded that that although the Page 11 counseling entry is valid and written in accordance with Marine Corps directive, the Board determined that part of the Page 11 counseling as written is an injustice, and therefore redact the following words from the Page 11 counseling that reads "to be at your appointed place of duty at the required time. If I have a conflict obligation or alternate plan, ensure you have approval through your chain of command and that they are informed. Follow all orders issued by appropriate authority."

In view of the foregoing, the Board recommends the following corrective action:

RECOMMENDATION:

Petitioner's naval record be corrected by redacting the Page 11 counseling dated 6 March 2017 that reads "to be at your appointed place of duty at the required time. If I have a conflict obligation or alternate plan, ensure you have approval through your chain of command and that they are informed. Follow all orders issued by appropriate authority."

No further relief be granted.

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