



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

[REDACTED]
Docket No: 5154-17
OCT 24 2017

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] JSMC,
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 dtd 28 Apr 17

1. Pursuant to the provisions of reference (a), Petitioner, an officer in the Marine Corps, filed enclosure (1) with this Board requesting the removal of an Administrative Remarks (Page 11) counseling dated 28 April 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 5 July 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, relevant portions of Petitioner's 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 30 September 2016, Petitioner signed a Page 11 counseling warning concerning his failure to uphold the rules and regulations governing appropriate officer/enlisted relations. The Petitioner brought discredit upon himself and the Marine Corps by publicly instigating a verbal dispute. See enclosure (3).

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XXX-XX [REDACTED]

d. Petitioner contends that the first paragraph on the Page 11 suggests that he participated in fraternization. The second paragraph suggests that he instigated a verbal dispute. The Petitioner further contends that at no point was there a relationship between himself and the enlisted member. Regarding the verbal dispute, he contends that the individual reacted poorly to being asked to move his vehicle.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined that the comments contained in enclosure (3) were unjust and therefore the removal of enclosure (3) from the Petitioner's OMPF is warranted.

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

RECOMMENDATION:

Petitioner's naval record be corrected by removing the Page 11 counseling entry dated 28 April 2017, from his 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.

[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