



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

Docket No: 5279-17

SEP 26 2017

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

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

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Administrative Remarks (Page 11) Counseling of 10 Apr 14 ✓  
(4) Administrative Remarks (Page 11) Counseling of 29 Jun 14 ✓  
(5) Administrative Remarks (Page 11) Counseling (Undated) ✓  
(6) Administrative Remarks (Page 11) Counseling (date not legible) ✓  
(7) Administrative Remarks (Page 11) Counseling of 15 Jul 15 ✓  
(8) Administrative Remarks (Page 11) Counseling of 8 Oct 15 ✓  
(9) Administrative Remarks (Page 11) Counseling of 13 Nov 15 ✓  
(10) Administrative Remarks (Page 11) Counseling of 5 Jan 16 ✓  
(11) Report of Result of Trial of 26 Feb 16 ✓

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his naval record be corrected by removing eight Administrative Remarks (Page 11) counselings from his Official Military Personnel File (OMPF). Enclosures (1) through (11) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 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, 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.

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c. Enclosures (3) through (5) state in part, that the Petitioner was eligible, but not recommended for promotion to the grade of Sergeant for the May, July and October 2014 promotion period due to pending legal action.

d. Enclosure (6) states in part, that the Petitioner was selected, but would not be promoted to the grade of Sergeant for the month of February 2015.

e. Enclosures (7) through (10) state in part, that the Petitioner was eligible, but not recommended for promotion to the grade of Sergeant for the August, November, December 2015, and February 2016 promotion period due to pending legal action.

f. Enclosure (11) reflects that the Petitioner was not found guilty at a General Court-Martial (GCM) of five specifications of violating Article 120 (rape) of the Uniform Code of Military Justice.

g. Petitioner contends that the Page 11s are in error because he was found not guilty at a GCM.

#### CONCLUSION:

In reaching its conclusion, the Board after careful consideration of the Petitioner's record, concluded that even though the Page 11 counseling entries are valid and written in accordance with Marine Corps directive, as a result of enclosure (11) it would be an injustice to have the Page 11s remain in the Petitioner's OMPF. Therefore, the Board concluded that removal of enclosures (3) through (10) should be granted.

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

#### RECOMMENDATION:

Petitioner's naval record be corrected by removing enclosures (3) through (10) from his OMPF.

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

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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.

[REDACTED]

Executive Director