



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

[REDACTED]
Docket No: 6716-17

FEB 22 2018

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

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

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 w/attachments
(2) CO, [REDACTED] MCD ltr 1900 CO dtd 1 Jun 17

1. Pursuant to the provisions of reference (a), Petitioner, an active duty enlisted Marine, filed enclosure (1) with this Board requesting removal of an Administrative Remarks (Page 11) promotion restriction counseling entry dated 24 January 2017 from his Official Military Personnel File (OMPF).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 18 January 2018 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. On 24 January 2017, Petitioner received a Page 11 promotion restriction counseling entry due to the wrongful use of a controlled substance.

c. Petitioner's Commanding Officer and the issuing officer of the contested Page 11 entry, submitted an advocacy letter, stating that based on medical documents and legal guidance, he determined Petitioner's use was not wrongful. See enclosure (2)

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

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The Board concluded the Page 11 entry was not error at the time it was issued but, for it to remain in Petitioner's OMPF would be unjust. The Board concurred with the comments and recommendation from Petitioner's Commanding Officer provided at enclosure (2) and concluded that Petitioner did not wrongfully use a controlled substance. The Board also considered that no administrative separation proceedings were initiated.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing the Page 11 promotion restriction entry dated 24 January 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