



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

[REDACTED]  
Docket No: 6823-17  
APR 09 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  
(b) MCO P1070.12K w/ch 1 (IRAM)

Encl: (1) DD Form 149  
(2) Administrative Remarks (Page 11) 6105 counseling entry dtd 3 Mar 16  
(3) Administrative Remarks (Page 11) counseling entry dtd 3 Mar 16  
(4) Administrative Remarks (Page 11) counseling entry dtd 11 May 16

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted Marine, filed enclosure (1) with this Board requesting that his record be corrected by removing an Administrative Remarks (Page 11) 6105 counseling entry dated 3 March 2016 and, by implication, removing two additional Page 11 entries dated 3 March 2016 and 11 May 2016, respectively, from his official military personnel file (OMPF).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 February 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. Petitioner received a Page 11 6105 counseling entry dated 3 March 2016, which stated he was being processed for administrative separation after testing positive for MDMA (i.e., methylenedioxymethamphetamine. See enclosure (2).

c. Petitioner received a Page 11 entry dated 3 March 2016, placing him in a promotion restriction status while being administratively processed for separation. See enclosure (3).

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d. Petitioner received a Page 11 entry dated 11 May 2016 stating he was eligible but not recommended for promotion to corporal due to pending legal action. See enclosure (4).

e. On 26 May 2016, an Administrative Discharge Board (ADB) determined by majority vote that the preponderance of the evidence did not prove misconduct. Petitioner's ADB did not result in administrative separation.

f. Per reference (b), Page 11 entries are not authorized which concern administrative discharge proceedings if, after final review, they do not result in an administrative discharge.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action.

The Board determined the Page 11 entries at enclosures (2) through (4) were not error at the time they were entered, but for them to remain in Petitioner's OMPF would be unjust because each entry references administrative separation proceedings that, after final review, did not result in administrative discharge.

#### RECOMMENDATION

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

Petitioner's naval record be corrected by removing enclosure (2), the Page 11 6105 counseling entry dated 3 March 2016, from his OMPF.

Petitioner's naval record be corrected by removing enclosure (3), the Page 11 counseling entry dated 3 March 2016, from his OMPF.

Petitioner's naval record be corrected by removing enclosure (4), the Page 11 counseling entry dated 11 May 2016, 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

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XXX XX [REDACTED] USMC

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