



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

[REDACTED]
Docket No: 6974-17
DEC 7 6 2017

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
(2) Administrative Remarks (Page 11) Counseling entry (Undated)
(3) Administrative Remarks (Page 11) Counseling entry of 23 Jun 11
(4) Administrative Remarks (Page 11) Counseling entry of 9 Sep 14

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 enclosure (1) with the duplicate copy from his Official Military Personnel File (OMPF) and removing duplicate copies of enclosures (3) and (4).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 November 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. Enclosures (1) through (4) apply.

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 (2) states in part, that the Petitioner was counseled concerning his recent nonjudicial punishment (NJP) for violation of the Uniform Code of Military Justice (UCMJ) Article 92, by failing to adhere to MCBJ/III MEFO 1050.7.

c. Enclosure (3) states in part, that the Petitioner is eligible but not recommended for promotion to Lance Corporal for the month of July 2011 to the month of September 2011, for his recent violation of Article 92 of the UCMJ.

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d. Enclosure (4) states in part, that the Petitioner is eligible but not recommended for promotion to Sergeant for the month of August 2014 due to MOS proficiency.

e. Petitioner contends that the Page 11's are duplicate copies. He also contends that the enclosure (2) has no date and the line is through his name at the bottom making it difficult to see if that is really his name.

CONCLUSION

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

In reaching its conclusion, the Board after careful consideration of the Petitioner's record, concludes that enclosures (2) through (4) were procedurally and administratively correct as written and filed. Regarding the Petitioner's contention in reference to enclosure (2), even though the Page 11 is undated, the Board determined that the Page 11 clearly references the Petitioner's NJP of 23 June 2011 and shall remain in its entirety. The Board concluded that having the duplicate copies of enclosures (2) through (4) is an injustice and therefore shall be removed from the Petitioner's OMPF.

RECOMMENDATION

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

The Petitioner's naval record be corrected by removing enclosures (2) through (4) duplicate copies from the Petitioner's OMPF.

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

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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