



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

[REDACTED]
Docket No: 7441-17
JAN 03 2018

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

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

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149
(2) Administrative Remarks (Page 11) counseling entry of 3 Jul 14

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting the removal of an Administrative Remarks (Page 11) counseling entry dated 3 July 2014, from his Official Military Personnel File (OMPF). Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 November 2017, and pursuant to its regulations, determined that the partial 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 3 July 2014, the Petitioner was issued a Page 11 entry which stated in part, that she was being counseled concerning the following deficiencies: conduct unbecoming a Staff Non-Commissioned Officer and violation of Article 134, UCMJ, Adultery.

c. Petitioner contends that based on the results from an Inspector General investigation which concluded that the case was "mishandled," and identified the "high likelihood" that undue command influence occurred during the initial command investigation that led to the Page 11/6105 counseling.

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CONCLUSION:

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

In reaching its conclusion, the Board after careful consideration of the Petitioner's record, the Board concluded that that although the Page 11 counseling entry is valid and written in accordance with Marine Corps directive, the Board determined that part of the Page 11 counseling entry as written is an injustice, and therefore redact the following words from the Page 11 counseling entry that reads "following" and "and violation of Article 134, Adultery."

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

RECOMMENDATION:

Petitioner's naval record be corrected by redacting the Page 11 counseling entry dated 3 July 2014 that reads "following" and "and violation of Article 134, Adultery."

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

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