



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

[REDACTED]
Docket No: 7468-17
DEC 27 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
(2) Administrative Remarks (Page 11) Counseling entry of 20 Apr 15
with Rebuttal Statement
(3) Administrative Discharge Board Report of 9 Mar 16
(4) Memorandum For The Record of 21 Jun 17

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 his Administrative Remarks (Page 11) counseling entry dated 20 April 2015, from his Official Military Personnel File (OMPF). Enclosures (1) through (4) apply.

2. The Board, consisting of [REDACTED] reviewed the Petitioner's allegations of error and injustice on 18 October 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 Petitioner's application, together with all material submitted in support thereof, relevant portions of the Petitioner's naval record 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 20 August 2015, the Petitioner signed a Page 11 counseling entry which stated in part, that he was being counseled for the following deficiency: Misconduct, in violation of MCO 1900.16 w/CH1 and MCO 5300.17 by wrongful use of a controlled substance. See enclosure (2).

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

c. Subsequently, as a result of the Petitioner's positive urinalysis and administrative discharge board was convened at which time by majority vote that the preponderance of the evidence does not prove any of the acts or omissions alleged.

d. Enclosure (4) states in part, the positive urinalysis is not a drug related incident in this case. The urinalysis results involved an administrative error the drug use was not wrongful, the Marine shall not be identified as a drug abuser.

CONCLUSION:

Upon review and consideration of all the evidence of record, and in light of enclosures (3) and (4), the Board concludes that the Petitioner's request warrants favorable relief.

In this regard, the Board concluded that even though the Page 11 counseling entry is valid and written in accordance with Marine Corps directive, as a result of enclosures (3) and (4) it would be an injustice to have the Page 11 counseling entry remain in the Petitioner's OMPF. Therefore, the Board concluded that the removal of enclosure (2) should be granted.

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

RECOMMENDATION:

Petitioner's naval record be corrected by removing enclosure (2) from Petitioner's 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