



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

[REDACTED]  
Docket No: 7503-17  
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 with rebuttal  
statement of 20 Apr 17  
(3) [REDACTED] Uniform Citation / Magistrate's Order – Misdemeanor Only

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 20 April 2017, from her Official Military Personnel File (OMPF). Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed the Petitioner's allegations of error and injustice on 25 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. Enclosure (1) was filed in a timely manner.

c. On 20 April 2017, the Petitioner signed a Page 11 counseling which stated in part, that she was counseled for violation of Article 134 (Reckless endangerment). See enclosure (2).

d. Petitioner contends that the violation of Article 134 of the Uniform Code of Military Justice that she was accused of violating was adjudicated in a civilian court on 14 July 2017.

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XXX XX [REDACTED]

CONCLUSION:

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

In reaching its conclusion, the Board after careful consideration of the Petitioner's record, concluded that even though the Page 11 counseling entry is valid and written in accordance with Marine Corps directive, the Board determined that in light of enclosure (3), there was not enough evidence to support the Page 11 counseling to remain in the Petitioner's OMPF and therefore, the removal of enclosure (2) from the Petitioner's naval record 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) with the rebuttal statement from the 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