



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

[REDACTED]
Docket No: 7948-17
DEC 26 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 of 1 Nov 12

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 1 November 2012, from the Official Military Personnel File (OMPF).
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) and (2) 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 a recent nonjudicial punishment (NJP) for failure to obey a lawful regulation.
 - c. Petitioner contends that the Page 11 counseling entry states that NJP was imposed, however, the NJP was not imposed. The Page 11 entry is administratively inaccurate and petitioner did not write a rebuttal statement due to being young and unaware of the consequences.

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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, there was no evidence to support the Page 11 remaining in the Petitioner's OMPF and therefore the removal of the Page 11 counseling dated 1 November 2012 shall be granted.

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

RECOMMENDATION:

The Petitioner's naval record be corrected by removing the Page 11 counseling entry dated 1 November 2012 from 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

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