



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

[REDACTED]
Docket No: 8007-17
FEB 22 2018

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) Petitioner's Administrative Remarks (Page 11)
(3) Petitioner's Administrative Remarks (Page 11)
(4) Petitioner's Administrative Remarks (Page 11)
(5) Petitioner's Administrative Remarks (Page 11)

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 duplicate Page 11s be removed from his official military personnel file (OMPF). Petitioner also requests that a Page 11 entry be removed.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 February 2018, 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.

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. Enclosures (2) and (3) have duplicate copies in Petitioner's OMPF.

c. Enclosure (4) has two counseling entries, one dated 31 August 2006 and one dated 31 May 2007, and those same entries are also found in enclosure (5). The duplicate counseling entry dated 31 August 2006 is lined out and voided in enclosure (5), but not in enclosure (4). Additionally, an entry in enclosure (5), dated 14 April 2008, states that the 31 August 2006 entry has been voided. Petitioner contends that even though the entry dated 31 August 2006 in enclosure (5) was voided out, it can still be read, and the same entry in enclosure (4) is not

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

voided out, even though the entry make on 14 April 2008 states that it has been voided. Petitioner contends that the entries are unjust because they pose an unfavorable impression of his record.

d. In addition to the aforementioned counseling entries in enclosure (5), there are two uncontested counseling entries in enclosure (5). The uncontested entry dated 31 May 2007 was issued in regards to seatbelt usage, and the other uncontested entry dated 13 March 2008 was issued in regards to the Marine Corps policy on fraternization.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants relief. In this regard, the Board examined all of the Page 11 entries in Petitioner's OMPF and determined that the duplicate pages of enclosures (2) and (3) shall be removed from his OMPF. The Board concluded that enclosure (4) contains an entry dated 31 August 2006, that was later voided, and an entry dated 31 May 2007, that is also found in enclosure (5). Thus, enclosure (4) shall be removed from Petitioner's OMPF. Enclosure (5) shall remain in Petitioner's OMPF, but the entries dated 31 August 2006 and 14 April 2008 shall be completely expunged. In this regard, the Board noted that the 31 August 2006 entry was voided, but still viewable. The Board concurred with the Petitioner that the entries are unjust because they pose an unfavorable impression of Petitioner's record.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by removing any duplicate copies of enclosures (2) and (3) from his OMPF.

Petitioner's naval record be corrected by removing enclosures (4) from his OMPF.

Petitioner's naval record be corrected by expunging the voided counseling entry date 31 August 2006 in enclosure (5).

Petitioner's naval record be corrected by expunging the counseling entry date 14 April 2008 in enclosure (5).

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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

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