



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

## CONCLUSION

Upon careful review and consideration of all the evidence of record, the Board found sufficient evidence of a material error and determined that Petitioner's request warrants partial corrective action. In this regard, the Board determined that Petitioner's contention that enclosure (2) contains an administrative error has merit. The Board noted that enclosure (2) also contains elements of a 6105 counseling according to reference (b). Specifically, the counseling entry notified Petitioner that "failure to take corrective action . . . may result in judicial or adverse administrative action including but not limited to administrative separation." The Board determined that the issuing officer (Captain) was authorized to counsel Petitioner, however he not authorized to issue a 6105 counseling entry in accordance with reference (b). For the purposes of issuing a 6105 counseling entry, reference (b) defines Commander/Commanding Officer as, "a board selected or duly appointed commissioned officer . . . who . . . exercises special court-martial convening authority and primary command authority over a military organization . . ." The Board also determined that the issuing officer did not meet this criteria, however the basis for the counseling entry is valid and should remain a matter of record. To address the fore mentioned errors, the Board determined that the counseling entry should be redacted to remove any reference to administrative separation and Petitioner should be afforded the opportunity to submit a statement in rebuttal to the counseling entry.

## RECOMMENDATION

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

Petitioner's naval record be corrected by redacting enclosure (2). Specifically, the statement:

"including but not limited to administrative separation."

Petitioner's naval record be corrected by granting him the opportunity to submit a rebuttal for inclusion into his official record, providing it is written according to reference (c) and submitted to Headquarters, U.S. Marine Corps MMRP-13 within 30 days of notification of the Board's decision.

That no further changes be made to Petitioner's naval record.

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.
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 Regulations, 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.

3/14/2024

