



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

█
Docket No. 2851-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █
█ XXX XX █ USMC

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) NAVMC 118(11) Administrative Remarks (Page 11), 10 Apr 23
(3) █ ltr, 10 Apr 23
(4) Senior Member ltr 1000-15 SenMbr, 8 Aug 23

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected by removing the 10 April 2023 Administrative Remarks (Page 11) entry and her associated statement.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 23 April 2024, 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds the following:

a. On 10 April 2023, Petitioner was issued a Page 11 entry notifying her that she is in a promotion restriction status for twelve months due to pending administrative separation. Petitioner acknowledged the Page 11 entry and, in her statement, she denied the allegation that she violated Uniform Code of Military Justice (UCMJ) Article 112a. Enclosure (2) and (3).

b. On 23 August 2023, Petitioner's administrative separation (ADSEP) board unanimously found that the preponderance of evidence did not prove any of the acts or omissions alleged and recommended her retention in the Marine Corps. Enclosure (4).

c. In her petition, Petitioner contends the correction should be made because the ADSEP board determined the alleged misconduct did not occur, leading to her retention in the military. Therefore,

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the entry no longer accurately reflects her status, and removing it would ensure the record aligns with the outcome of the proceedings. Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action. In this regard, the Board noted the ADSEP board finding and lack of any additional documentation regarding the basis for ADSEP processing in Petitioner's official record. The Board determined that retention of enclosures (2) and (3) in Petitioner's official record would be overly prejudicial given the lack of supporting documents. The Board thus determined that the counseling entry and Petitioner's associated statement shall be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosures (2) and (3).

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.

5/17/2024

