



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

█  
Docket No. 4734-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
█

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1900.16 w/CH 2  
(c) MCO 1070.12K w/CH 1

Encl: (1) DD Form 149 w/attachments  
(2) NAVMC 118(11) Administrative Remarks, 10 Feb 22  
(3) Fitness report for the reporting period 1 Jan 22 to 23 May 22

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 to remove enclosure (2).

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 14 May 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. On 10 February 2022, Petitioner was issued a page 11 entry counseling him for demonstrating patterns of immaturity and apathy towards upholding and enforcing the standards in the Company Commander's intent. Petitioner acknowledged the entry and elected not to submit a statement. The entry indicates that it was signed by the "Commanding Officer". Enclosure (2).

b. Petitioner received a fitness report for the reporting period 1 January 2022 to 23 May 2022. The Reviewing Officer's (RO's) duty assignment indicates Company Commander and the name of the RO is the same as the officer that issued enclosure (2). Enclosure (3).

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[REDACTED]

c. In his application, Petitioner contends the counseling entry was signed by the Company Commander instead of the Commanding Officer. Petitioner claims that reference (b) states, “(This must be determined by the commanding officer on a case-by-case basis. The commanding officer must sign adverse page 11 entries.)” Petitioner claims the chain of command was trying to punish him without the proper authority or did not know the effects of improper counseling procedures. Petitioner also claims the erroneous counseling has held him back for promotion for four years resulting in lost leadership opportunities, and financial stability for his family. Enclosure (1).

## 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 relief.

In this regard, the Board determined Petitioner’s contention that enclosure (2) was issued by the Company Commander instead of the Commanding Officer has merit. The Board noted that enclosure (2) contains elements of a 6105 counseling entry issued pursuant 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 the Company Commander was authorized to counsel Petitioner according to reference (c); however, he was not permitted to use the 6105 counseling entry format indicating potential administrative separation. 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 concluded the company commander did not meet this criteria. To address the aforementioned error, the Board determined the counseling entry should be redacted to remove any reference to administrative separation. Notwithstanding the recommended corrective action, the Board determined the basis for the counseling entry is valid and should remain a matter of record.

## 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.”

No further corrections to Petitioner’s 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

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/31/2024

[REDACTED]