



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

█  
Docket No. 6704-24  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF █  
█ USMCR

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1070.12K (IRAM)  
(c) MCO 1900.16 (MARCORSEPMAN)

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) 6105 counseling entry of 26 Apr 24  
(3) Petitioner rebuttal w/enclosures of 16 Apr 24  
(4) Administrative Remarks (Page 11) 6105 counseling entry of 12 Jun 24  
(5) CG, █ MCB ltr 1900 IPAC 21 Jun 24  
(6) Manpower Officer, █ email of 25 Jun 24

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removing his 26 April 2024 Administrative Remarks (Page 11) 6105 counseling entry and associated rebuttal statement.

2. The Board, consisting of █, and █, reviewed Petitioner's allegations of error and injustice on 16 July 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 the 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 as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. On 26 April 2024, Petitioner's Commanding Officer (CO), counseled him for violation of Article 92, Uniform Code of Military Justice (UCMJ) for failure to obey an order or regulation. Petitioner was advised that he was "being processed for the following adverse administrative action: General (Under Honorable Conditions) discharge upon EAS [expiration of active duty service]." Petitioner signed the entry and availed himself of the opportunity submit a rebuttal. Both the counseling and rebuttal were filed in his official military personnel file (OMPF). On 12 June 2024, Petitioner received another counseling entry replicating the previously documented violation of Article 92, UCMJ; however, the entry did not include the statement concerning his characterization of service. See enclosures (2) through (4).

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c. On 21 June 2024, the Commanding General notified Petitioner of the effective date he would be released from active duty, and that his service would be characterized as Honorable. See enclosure (5).

d. Petitioner asserts that his CO directed the contested entry at enclosure (2) be removed from his OMPF and that he be discharged from the Marine Corps with an Honorable characterization of service. In support of his assertion, Petitioner included an e-mail from the Battalion Manpower Officer, indicating the CO directed the contested entry be removed from Petitioner's OMPF. See enclosure (6).

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief.

In this regard, the Board noted although the contested entry was written pursuant to references (c) and (d), the Board determined Petitioner provided sufficient evidence that the entry at enclosure (2) was no longer valid. In this regard, the Board determined, based upon the available evidence, Petitioner was no longer pending discharge with a General (Under Honorable Conditions) characterization of service. Thus, the Board determined the contested entry to be unjust and determined the counseling entry, associated rebuttal, and all documents related to the rebuttal shall be removed from Petitioner's official record.

#### RECOMMENDATION

In view of the above, the Board recommends 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.

8/7/2024

