



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

█
Docket No. 6861-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
█ USMC

Ref: (a) 10 U.S.C. § 1552
(b) MCO 5354.1F

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) counseling entry, 17 March 2023
(3) Petitioner's Rebuttal to Enclosure (2), Not dated
(4) Petitioner's 5800 DEF Memo, subj: Appeal of Administrative Findings ICO
[Petitioner], 18 April 2023
(5) CG, █, 5830 CG Memo, subj: █ Appeal of Substantiation ICO
[Petitioner], 1 November 2023
(6) CG, █, 5830 CG Memo, subj: Additional Investigation into the Facts and
Circumstances Surrounding Allegations Related to █,
14 May 2024
(7) Administrative Remarks (Page 11) counseling entry, 24 May 2024

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 removal of the Administrative Remarks (Page 11) counseling entry dated 17 March 2023.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 29 August 2024, and pursuant to its regulations, determined 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 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. Petitioner was issued enclosure (2), a Page 11 entry on 17 March 2023, counseling him for violation of reference (b) after allegations of sexual harassment were substantiated based on a Command Investigation (CI). Petitioner elected to submit a written statement in rebuttal to the Page 11 entry. Enclosures (2)-(3).

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

c. On 18 April 2023, Petitioner appealed the administrative findings made in the CI which led to the issuance of enclosure (2). After his review of Petitioner's appeal, Commanding General, [REDACTED] determined additional investigation was warranted. Enclosures (4)-(5).

d. By memorandum of 15 December 2023, the Investigating Officer submitted the additional investigation which was reviewed by the Equal Opportunity Advisor, the Staff Attorney, and the Assistant Division Commander, each concurring in the findings, opinions, and recommendations. By memorandum of 14 May 2014, the CG notified Petitioner of his determination the sexual harassment allegations were not substantiated and directed the removal of the 17 March 2023 Page 11 counseling from Petitioner's Official Military Personnel File (OMPF). However, the CG determined harassment allegations were substantiated and directed issuance of a Page 11 counseling Petitioner for harassment. Enclosure (6).

e. On 24 May 24, the Battalion Commander issued Petitioner enclosure (7), counseling him for harassment in violation of reference (b).

f. Petitioner contends enclosure (2) should be removed based on the CG's findings and directives. Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner's request warrants relief. Relying on enclosure (6), the Board determined the Page 11 entry and associated rebuttal at enclosures (2)-(3) should be removed from Petitioner's OMPF.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosures (2)-(3), the 17 March 2023 counseling entry and its associated rebuttal.

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 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.

9/19/2024

