



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

█  
Docket No. 7208-24  
Ref: Signature Date

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

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

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

Encl: (1) DD Form 149 w/enclosures  
(2) Administrative Remarks (Page 11) 6105 counseling entry of 6 May 23  
(3) BCNR Decision Memo (Docket No. 3866-24) of 17 May 24  
(4) CO, █ ltr 5830 CO of 1 Jul 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 to remove an Administrative Remarks (Page 11) 6105 counseling entry.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 23 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, finds as follows:

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

b. On 6 May 2023, Petitioner was issued a Page 11 (6105) counseling entry for Violation of Article 92, Failure to Obey an Order or Regulation. Petitioner signed the entry and elected not to submit a written rebuttal. Enclosure (2).

c. On 23 April 2024, this Board (Docket No. 3866-24) determined the counseling entry was written and issued according to reference (b) and denied Petitioner's request for removal. The Board noted that a formal investigation is not required for the issuance of a counseling entry should the Commanding Officer (CO) determine sufficient evidence exists to support the basis for a counseling entry. Enclosure (3).

d. On 1 July 2024, the CO, the issuing officer of the counseling entry determined, after careful consideration and additional review of this case, the removal of the counseling entry was in the best interest of the Petitioner and the Service. Furthermore, the CO states the investigation

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resulting in the counseling entry was not complete until after the counseling entry was issued. See Enclosure (4).

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief. The Board noted the counseling entry was issued in accordance with reference (b). However, the Board, relying heavily upon the advocacy letter provided by the CO, determined that the counseling entry should be removed from Petitioner's official record due to mitigating circumstances.

#### RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (2).

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. The foregoing action of the Board is submitted for your review and action.

8/8/2024

[REDACTED]

Executive Director

Signed by: [REDACTED]