



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

[REDACTED]  
Docket No. 9550-24  
0554-16  
0108-15  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552  
(b) Marine Corps Manual 1980 (Change 3, 13 May 1996)  
(c) MCO P1900.16F (with Changes 1 and 2), Marine Corps Separation and Retirement Manual (Short Title: MARCORSEPMAN), 6 June 2007  
(d) MCO P1070.12K (with Change 1), Marine Corps Individual Records Administration Manual (Short Title: IRAM), 14 July 2000  
(e) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 with attachments  
(2) MCTFS Pay Grade History  
(3) Master Brief Sheet, 26 September 2024  
(4) NAVMC 118(11), Administrative Remarks 9 May 2012  
(5) Petitioner's Statement, 14 May 2012  
(6) Petitioner's Memo 1000 IPAC, subj: Request for Removal of Page 11 (6105) from OMPF, 25 November 2014  
(7) HQMC Memo 1070 JPL, subj: Application for Correction in the case of [Petitioner], 20 May 2015  
(8) HQMC Memo 1070 MIQ, subj: BCNR Application in the case of [Petitioner], 12 June 2015  
(9) HQMC Memo 1070 JPL, subj: Application for Correction in the case of [Petitioner], 27 July 2015  
(10) [REDACTED] Memo 1070 S-1, subj: Removal of NAVMC Page 11 Entry from the Official Military Personnel File (OMPF) c/o [Petitioner], 27 October 2014  
(11) BCNR Letter [REDACTED] Docket No: 0108-15, 5 November 2015  
(12) DD Form 149, January 2016, with attachments  
(13) BCNR Letter [REDACTED] Docket No: 554-16/108-15, 15 August 2016

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, hereinafter referred to as the Board, requesting reconsideration of the Board's two previous denials of her request to remove

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

from her naval record a "Page 11" 6105 counseling entry in Docket Nos. 0108-15 and 0554-16.<sup>1</sup> Petitioner further requested modification of her promotion dates to Staff Sergeant (SSgt) and Gunnery Sergeant (GySgt) based upon her earlier failures of selection to SSgt presumably due to the adverse material that she seeks to have removed from her record.

2. The Board reviewed Petitioner's allegations of error or injustice on 5 November 2024 and, pursuant to its governing policies and procedures, continued to find insufficient evidence of any error or injustice warranting relief. The Board did not find the new material presented by Petitioner to be persuasive. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies.

3. Factual Background. Following is the factual background of Petitioner's case based upon her naval records and the material she provided with her various applications to the Board.

a. Effective 1 March 2011, Petitioner was promoted to Sergeant (E-5). See enclosure (2).

b. On 15 January 2012, Petitioner was assigned as the Installation Personnel Administration Center (IPAC) Customer Service NCOIC at [REDACTED] See enclosure (3). See enclosure (3).

c. Petitioner was reassigned as the IPAC Outbound Section NCOIC on 4 May 2012.<sup>2</sup> See enclosure (3).

d. On 9 May 2012, Petitioner was formally counseled in writing in accordance with paragraph 6105 of reference (c) regarding an inappropriate relationship with a subordinate Marine under her charge. The counseling informed Petitioner that this relationship compromised her leadership within the Customer Service Section. Petitioner indicated her intention to submit a statement in response. See enclosure (4).

e. On 14 May 2012, Petitioner provided the following statement in response to "Page 11" 6105 counseling reflected in paragraph 3d above:

First and foremost I want to emphasize my full acceptance of responsibility for my actions. I understand what impact a temporary lack of judgment has on junior Marines, my leaders and my peers. As a Non Commissioned Officer it is essential that I set the example for junior Marines. This situation has not changed my outlook of the Marine Corps, nor has it changed my decision to be a Marine leader. I will continue to strive for improvement of myself and

<sup>1</sup> Petitioner's present reconsideration request is supported a letter of recommendation from a Marine Corps general officer; a character reference from a former supervisor; a statement from Petitioner's former staff noncommissioned officer-in-charge (NCOIC) accepting responsibility for providing Petitioner with bad advice in responding to the Page 11 entry in question; and a letter from the commander who issued the Page 11 entry, reiterating a previous statement he had made that he did not have all of the facts when he issued the 6105 counseling in question, none of which was previously presented to or considered by the Board in Docket Nos. 0108-15 and 0554-16.

<sup>2</sup> The Board presumes that Petitioner's reassignment to the Outbound Section was related to the allegation of an inappropriate relationship with a subordinate under her charge in the Customer Service section, as reflected in the "Page 11" entry she received five days later (see paragraph 3e).

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

those around me by continually mentoring Marines on the significance of decision making and usage of superior judgment by employing mentorship from the learned lessons of this experience. Moreover, I plan on applying the usage of these lessons to further familiarize myself and others with all orders and regulations that I must enforce in order to keep good order and discipline within the Marine Corps. Through all this I have reevaluated with our Corps Values of Honor, Courage, and Commitment, and for that I have become a better Marine.

See enclosure (5).

f. Petitioner was eligible for but not selected by the Fiscal Year (FY) 2014 and 2015 SSgt selection boards.

g. Effective 1 October 2016, Petitioner was promoted to SSgt (E-6) above the zone. See enclosure (2).

h. Effective 1 January 2021, Petitioner was promoted to GySgt (E-7). See enclosure (2).

i. Paragraph 1100.4 of reference (b) provides the following with regard to professional and personal relationships between Marines:

Professional and personal relationships, including duty, social, and business contacts among Marines of different grades will be consistent with traditional standards of good order and discipline and the mutual respect that has always existed between Marines of senior grade and those of lesser grade. Personal relationships between officer and enlisted members that are unduly familiar and that do not respect differences in grade or rank constitute fraternization and are prohibited. When prejudicial to good order and discipline or of a nature to bring discredit on the Marine Corps, personal relationships between officer members or between enlisted members that are unduly familiar and that do not respect differences in grade or rank constitute fraternization and are prohibited. Prejudice to good order and discipline or discredit to the Marine Corps may result from any circumstance which calls into question a senior's objectivity, results in actual or apparent preferential treatment, undermines the authority of the senior, or compromises the chain of command.

Paragraph 1100.5 of reference (b) extends the provisions of paragraph 1100.4 immediately above to the relationship of noncommissioned officers who may be exercising supervisory authority or leadership roles over junior Marines.

#### 4. Procedural Background.

a. Petitioner first applied to the Board requesting removal of the "Page 11" entry on 25 November 2014, asserting that the entry was an error and unjust because the relationship in question was not adulterous in violation of Article 134, Uniform Code of Military Justice (UCMJ), and did not constitute fraternization in violation of Article 134, UCMJ. See enclosure (6).

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

b. By memorandum dated 20 May 2015, the Military Personnel Law Branch, Headquarters, U.S. Marine Corps (HQMC) (JPL) provided an advisory opinion (AO) for the Board's consideration, recommending that Petitioner's request for relief be denied. This AO noted that Petitioner did not allege that the Page 11 entry was administratively incorrect or that it failed to comply with the procedural requirements of references (c) and/or (d), and failed to provide any substantive evidence demonstrating any probable material error or injustice in the entry. The AO also described Petitioner's contention that her relationship with the subordinate Marine was not adulterous as a "red herring," as the Page 11 entry did not describe it as such, and her contention that the relationship did not constitute fraternization in accordance with Article 134, UCMJ, to be without merit given the definition described in paragraph 3i above. See enclosure (7).

c. By memorandum dated 12 June 2015, the Manpower Information Quality Assurance specialist for the Manpower Information Systems Division of HQMC concurred with the JPL AO referenced in paragraph 4b above and recommended that Petitioner's request for relief be denied. See enclosure (8).

d. On 9 July 2015, Petitioner responded to the AOs described above, asserting that her acceptance of responsibility for the relationship reflected in enclosure (5) was issued under duress and fear that she would otherwise receive nonjudicial punishment (NJP). She also provided a statement from the former MCAS [REDACTED] IPAC Director stating that Petitioner's relationship was neither inappropriate nor prejudicial to good order and discipline, and that he erroneously recommended that the commander issue Page 11 counseling entry at enclosure (4) based upon allegedly inaccurate information.<sup>3</sup> See enclosure (9).

e. By memorandum dated 27 July 2015, JPL provided another AO in response to Petitioner's response to the first such AO referenced in paragraph 4d above, again recommending that her request be denied. Specifically, JPL opined that Petitioner's "wholly unsupported assertion" reflected in paragraph 4d above was insufficient to overcome the presumption of regularity inherent in the counseling statement and in her response thereto. JPL also opined that the statement from the former IPAC Director did not diminish the commander's determination that the relationship in question was inappropriate. See enclosure (9).

f. On 29 September 2015, the Board denied Petitioner's initial request to remove the contested Page 11 6105 counseling entry in Docket No. 0108-15, finding that Petitioner's personal acceptance of responsibility reflected in enclosure (5) confirmed the substance of the allegation of an inappropriate relationship.<sup>4</sup> The Board also noted that Petitioner's stated fear of NJP tended to confirm the legitimacy of the allegation. See enclosure (11).

g. In January 2016, Petitioner requested reconsideration of the Board's previous decision in Docket No. 0108-15. This request was supported by a letter from the commander who issued the Page 11 counseling in question, reporting that he had been erroneously informed that the subordinate Marine with whom Petitioner had a relationship was married and worked directly for Petitioner. See enclosure (12).

<sup>3</sup> See enclosure (10). The former IPAC Director reported that he had been erroneously informed that the subordinate Marine was married.

<sup>4</sup> This decision was communicated to Petitioner by letter dated 5 November 2015.



h. On 19 July 2016, the Board again denied Petitioner's request for relief in Docket No. 0554-16, finding the letter from her former commander to be immaterial and insufficient to overcome the fact that she previously accepted responsibility for and acknowledged the impact upon good order and discipline of the relationship described in the Page 11 entry. See reference (13).

i. Petitioner again requested reconsideration of the Board's two previous denials of her request to remove the Page 11 6105 counseling statement from her record. This reconsideration request was supported by a six-page legal brief as well as the new material reflected in footnote 1 above. Specifically, Petitioner asserted through counsel that the Page 11 entry was erroneous because it stemmed from an unsubstantiated rumor with no evidence to indicate an inappropriate relationship; that her commander relied upon erroneous information when he issued the Page 11 counseling; and that Petitioner was provided bad advice to accept responsibility for the conduct in question. She asserted that the erroneous Page 11 entry represents an injustice because it slowed her career progression. See enclosure (1).

5. Conclusion. Upon careful review and consideration of all the evidence of record, the Board continues to find insufficient evidence of any error or injustice in Petitioner's naval record.

a. On 9 May 2012, Petitioner was formally counseled in writing regarding an inappropriate relationship with a subordinate Marine under her charge, and advised that she had compromised her leadership within the IPAC Customer Service Section. Five days later, she voluntarily accepted full responsibility for her actions in this regard, and acknowledged the impact of her actions upon good order and discipline. She had no obligation to do so. She could have denied the allegations or, if she were concerned with the consequences of doing so as she now claims, simply elect not to provide a statement. As Petitioner's counsel stated on page 2 of his legal brief at enclosure (1), it would be irrational for a Marine to admit to misconduct that she didn't commit. That Petitioner acknowledged her misconduct and did not dispute the characterization of the relationship described in enclosure (4) when provided the opportunity to do so provided compelling evidence that the substance of the "Page 11" entry was accurate.

b. The Board continued to find the statement of Petitioner's commander to be insufficient to overcome either the presumption of regularity which attaches to the original issuance of the "Page 11" 6015 counseling statement, or Petitioner's acknowledgment of the conduct in question. The "Page 11" entry did not describe Petitioner's conduct as adulterous, so her commander's awareness of the marital status of the subordinate Marine was irrelevant. The Board also found irrelevant the issue of whether Petitioner was the Marine's direct supervisor. She was a superior noncommissioned officer assigned as the IPAC Customer Service NCOIC, while the subordinate Marine was presumably assigned to the Customer Service section since the relationship reportedly "compromised" her leadership of the section. Even if she was not the Marine's direct supervisor, Petitioner was certainly in a leadership role over him. As such, the relationship was prohibited by paragraph 1100 of reference (b). Petitioner has not denied the relationship; rather, she has asserted that it was not inappropriate since it did not meet the elements of adultery or fraternization in violation of Article 134, UCMJ. This contention is



without merit, as the participation in a relationship prohibited by reference (b) would be a violation of Article 92, UCMJ.

c. The Board did not find Petitioner's claim to have accepted responsibility for the conduct in question only under duress to be credible. First, the statement provided by her former staff NCOIC claiming that he provided her bad advice in this regard undermines her claim in this regard. While Petitioner contends that she was advised by her immediate chain of command to "shut [her] mouth and accept responsibility before the commander changed his mind and referred the case to [NJP]," her former staff NCOIC who provided that advice stated that he did so "thinking promotion boards would show leniency when she came in zone, and if she showed responsibility for her actions and demonstrated she could overcome any adverse remarks on her record that the boards would take that into account and promote her to higher ranks." The latter directly contradicts Petitioner's claim regarding the nature of the advice that she received, which undermines her credibility in this regard. Second, the two statements provided by the commander who issued the "Page 11" 6105 counseling entry make it clear that NJP was not a legitimate concern. He made it clear that it was his intent to simply inform Petitioner that she was wrong; there was no indication or reason to believe that more severe punishment would follow if she did not proactively admit to and accept responsibility for the conduct. Finally, if Petitioner truly believed that she faced the possibility of further jeopardy if she did not accept responsibility for the conduct alleged in the "Page 11" entry, she could have simply decided not to provide a response. Instead, she went out of her way to accept responsibility for the conduct that she now contends did not occur, acknowledged the impact of such conduct upon good order and discipline, and promised to apply the lessons that she learned from the experience in the future. Petitioner either engaged in the inappropriate relationship with a subordinate Marine that she essentially admitted on 14 May 2012, or she lied about that relationship in an official statement to obtain a more favorable result for herself. Neither possibility supports her request for relief.

d. The Board also found nothing improper regarding the advice that Petitioner received to accept responsibility for the misconduct. As evidenced by the fact that she has since been promoted to SSgt and GySgt, her staff NCOIC was obviously correct in believing that future promotion boards would show leniency if she showed responsibility for her actions and demonstrated her ability to overcome adverse information in her record. The latter could not realistically be demonstrated until she had several more evaluation reports in her record, but once she had demonstrated that ability through her performance the promotion boards granted the leniency that her NCOIC hoped that they would. This was good advice. There is no reason to believe that Petitioner would have enjoyed a more favorable outcome from future promotion boards if she had provided a different response, as any such a response could easily reflect negatively upon her. There simply is no injustice in the fact that Petitioner's career progression was slowed, but not ended, for misconduct to which she essentially admitted. This outcome reflects that Petitioner has suffered relatively minimal but appropriate adverse consequences for her documented indiscretion as a relatively junior Marine.

e. Finally, the Board did not find the letter of recommendation provided by a Marine Corps general officer with her present reconsideration request to be persuasive. The favorable character that he describes is reflected in the fact that Petitioner has been twice promoted despite

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

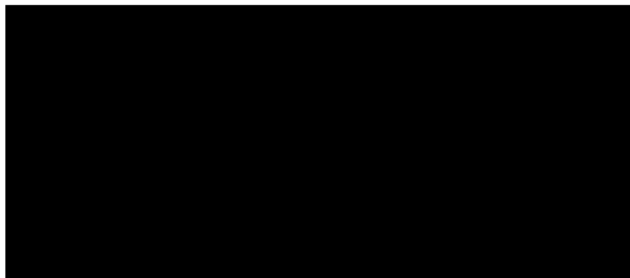
the presence of the adverse information in her record. It does not, however, warrant removal of the "Page 11" entry detailing misconduct to which she admitted.

6. Recommendation. Based upon the conclusions discussed in paragraph 5 above, the Board continues to recommend that no corrective action be taken on Petitioner's naval record.

7. 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 titled matter.

8. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(2)(c) of reference (e) .

4/8/2025



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

ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)  
DECISION:

[REDACTED] Board Recommendation Approved (Deny Relief – I concur with the Board’s conclusion and therefore direct that no corrective action be taken on Petitioner’s naval record.)

- Board Recommendation Disapproved (Grant Partial Relief) – I do not concur with the Board’s conclusion. Specifically, I find that Petitioner has provided sufficient evidence to conclude that the “Page 11” 6105 counseling statement never should have been issued. However, it is impossible to know whether Petitioner would have been selected for promotion to SSgt “in zone” but for the adverse information in her record. To simply presume that she would have been so selected would be unfair to her peers who had to compete for that selection without the benefit of such an assumption. Accordingly, I direct only that the “Page 11” 6105 counseling statement, dated 9 May 2012, and Petitioner response thereto, dated 14 May 2012, be removed from her naval record. No change is to be made to Petitioner’s respective dates of rank for SSgt or GySgt.)
- Board Recommendation Disapproved (Grant Relief – I do not concur with the Board’s conclusion. Specifically, I find that Petitioner has provided sufficient evidence to conclude that the “Page 11” 6105 counseling statement never should have been issued. I also find that Petitioner’s subsequent failures of selection for promotion to SSgt were most likely due to the presence of this adverse information in her record. Accordingly, I direct that the “Page 11” 6105 counseling statement, dated 9 May 2012, and Petitioner response thereto, dated 14 May 2012, be removed from her naval record. I further direct that Petitioner’s date of rank for SSgt be corrected to reflect what it would have been if she had been selected upon her first “in zone” look for that promotion, and that her date of rank for GySgt be corrected to reflect what it would have been if she had been selected upon her first “in zone” look for that promotion, taking into account her adjusted date of rank for SSgt in determining when that would have occurred. Upon correction of Petitioner’s record as directed herein, this decision and Petitioner’s corrected record shall be forwarded to the Defense Finance and Accounting Service to determine what, if any, back pay and allowances she may be due as a result of this correction.)