



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

██████████
Docket No. 10148-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
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, 29 Mar 24
(3) Petitioner Rebuttal Statement to ██████████, Undated
(4) HQMC ██████████ letter ██████████
(5) CG, ██████████ letter ██████████
(6) CO, ██████████ letter ██████████
(7) CG, ██████████ letter ██████████

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, enclosure (2), and all duplicate entries from his official military personnel file (OMPF).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 29 October 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 29 March 2024, Petitioner was issued a Page 11 (6105) counseling entry for violation of Article 92 (failure to obey lawful general order or regulation). Petitioner signed the entry and elected to submit a written rebuttal which could be found in his OMPF. Enclosures (2)-(3).

b. On 7 August 2024, the Commandant of the Marine Corps delayed Petitioner's promotion until all legal and administrative processes were adjudicated. Enclosure (4).

c. On 19 August 2024, the Commanding General endorsed the Command Investigation (CI) and determined further investigation was not required and noted that actions contemplated by the commanding officer (CO) are within his discretion. Enclosure (5).

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

d. On 20 September 2024, the CO, determined the counseling entry was made prior to any findings being made through any inquiry and uploaded into Petitioner's OMPF. Furthermore, the CO stated the investigation [which resulted in the counseling entry] was complete and found to be unsubstantiated on 26 August 2024. Enclosure (6).

e. On 2 October 2024, the Commanding General forwarded his chain of command's recommendation for delivery of promotion to first sergeant. Enclosure (7).

f. Petitioner contends that the CI was completed and found unsubstantiated on 26 August 2024. In support of his request, Petitioner provided the commanding general's endorsements recommending delivery of his promotion.

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 relied heavily upon the CO's letter requesting removal of the counseling entry. The Board further considered the commanding general's favorable endorsement recommending delivery of his promotion to first sergeant and concluded that the counseling entry should be removed from his OMPF. During the Board's review of Petitioner's record, it was further noted that his OMPF has duplicate entries of the contested counseling entry as well as the CO letter. Therefore, the Board further noted the CO's letter recommending removal of the counseling entry should also be removed from his OMPF.

RECOMMENDATION

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

Enclosures (2), (3), and (6) will be removed from Petitioner's OMPF. Note: Headquarters, U.S. Marine Corps will review Petitioner's entire OMPF to ensure any items impacted by this Board are removed from Petitioner's OMPF. Additionally, this decision will NOT be filed in Petitioner's OMPF.

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.

11/20/2024