



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

[REDACTED]
Docket No. 11091-24
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) Title 10 U.S.C. § 1552
(b) MCO 1900.16 (MARCORSEPMAN)
(c) MCO 1070.12K (IRAM)

Encl: (1) DD Form 149 w/enclosures
(2) DD Form 214, Certificate of Release or Discharge from Active Duty, 3 Sep 14
(3) DD Form 4/1, Enlistment/Reenlistment Document, 8 Jul 16
(4) NAVMC 118(11), Administrative Remarks (6105) counseling, 28 May 24
(5) Petitioner's Statement to enclosure (4), Undated
(6) Marine Corps Total Force System (MCTFS), Awards 143 Remarks, 20 Nov 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 enclosures (4) and (5).

2. The Board reviewed Petitioner's allegations of error and injustice on 28 January 2025, and pursuant to its regulations, determined that the corrective action indicated below should be taken upon Petitioner's naval record. Documentary material considered by the Board consisted of the enclosures, relevant portions of the naval records, and applicable statutes, regulations, and policies.

3. Having reviewed all the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board found 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. Petitioner enlisted in the Marine Corps and began a period of active duty on 17 May 2010. He served honorably and was discharge on 16 September 2014. His DD Form 214, Certificate of Release or Discharge from Active Duty lists multiple decorations, medals, and campaign ribbons he was awarded during this period of active service. On 8 July 2016, Petitioner reenlisted in the Marine Corps and has served continuously since said date. Enclosures (2) and (3).

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c. On 28 May 2024, Petitioner was issued a 6105 counseling for violation of the Uniform Code of Military Justice (UCMJ), Article 106a, for wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button. The counseling noted that on two separate occasions in Dress Blue Alphas and the Charlie Uniform, Petitioner was found wearing medals/ribbons that he was not authorized to wear. Petitioner signed the counseling entry and chose to make a statement. In Petitioner statement, he states that it was a mistake, and he takes full accountability for the disciplinary action, and the issue has been fixed with IPAC [Installation Personnel Administration Center] with the correct award. Enclosures (4) and (5).

d. In June and July 2024, the IPAC updated Petitioner's record via the MCTFS by entering several awards Petitioner had earned during his first enlistment. The awards entered included the Afghanistan Campaign Medal, earned for the period from [REDACTED] and from [REDACTED], the North Atlantic Treaty Organization (NATO) Medal for operations and activities in relation to Libya for the period from [REDACTED] and the NATO Medal in support of International Security Assistance Force in Afghanistan for the period from [REDACTED] Enclosure (6).

e. Petitioner contends that the contested counseling entry should be removed from his record because he did not violate Article 106a, UCMJ. He argues that he had been awarded each medal and that he was authorized to wear them in uniform. He asserts that, although he had been awarded the medals, unbeknownst to him, the awards had not been uploaded into the MCTFS database via the Unit Diary System, and once discovered, steps were taken by the IPAC to correct the error. Enclosure (1).

MAJORITY CONCLUSION

Upon careful review and consideration of all the evidence of record, the Majority of the Board determined that relief is warranted in the interest of justice. Specifically, the Majority noted the contested counseling was issued in accordance with references (b) and (c). However, the Majority determined there was sufficient evidence to conclude Petitioner, more likely than not, had been awarded, or believed he had been properly awarded, the medals and ribbons he wore in uniform, prior to his discharge in 2014, and was unaware of the fact that, due to an apparent administrative error, the IPAC did not properly document the issuance of the medals in the MCTFS. In this regard, the Majority observed that, subsequent to the issuance of the contested counseling, the IPAC entered into the MCTFS, the undocumented medals Petitioner had earned during his first enlistment. The Majority noted that this was not a case of "stolen valor" and that the Petitioner's mistake did not rise to the level of a retention-warning counseling. The Majority determined that the command's heavy-handed reaction to what appeared to be an honest mistake, was unjust. The Board thus concluded that the contested 6105 counseling and associated statement by Petitioner shall be removed from his naval record.

MAJORITY RECOMMENDATION

In view of the above, the Majority recommends that the following corrective action be taken on Petitioner's naval record in the interest of justice:

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That Petitioner's naval record be corrected by removing enclosures (4) and (5).

That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's naval record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

MINORITY CONCLUSION

Upon careful review and consideration of all the evidence of record, the Minority of the Board found insufficient evidence of any error or injustice warranting relief. In this regard, the Minority noted the contested counseling was issued in accordance with references (b) and (c). The Minority also noted that the counseling does not identify what medals or ribbons the Petitioner was wearing without authorization, and that it is possible that Petitioner was wearing unauthorized medals and ribbons other than those that were subsequently entered into the MCTFS in June and July of 2024. Moreover, the Minority noted that in Petitioner statement to the counseling, he took full accountability for the disciplinary action. Given the presumption of regularity, the Minority believed that Petitioner's commanding officer properly discharged his duties in issuing the counseling and concluded that the contested 6105 counseling and associated statement by Petitioner shall remain in his naval record.

MINORITY RECOMMENDATION

In view of the above, the Minority recommends that no corrective action be taken on Petitioner's naval record.

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

3/10/2025

[REDACTED]

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

X MAJORITY Recommendation Approved (Grant Relief – I concur with the Majority conclusion and therefore direct the relief recommended above.)

____ MINORITY Recommendation Approved (Deny Relief – I concur with the Minority conclusion and therefore direct that no corrective action be taken on Petitioner's naval record.)

