



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

Docket No. 12151-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) NAVMC 118 Administrative Remarks, 26 Jun 24
(3) [REDACTED] Rebuttal, 28 Jun 24
(4) [REDACTED] Memorandum for the Record, 20 Nov 24

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting to remove her 26 June 2024 Administrative Remarks 6105 (Page 11) counseling entry and rebuttal statement.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 11 February 2025 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 Petitioner's 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 the following:

a. On 26 June 2024, Petitioner was issued a Page 11 entry counseling her for violating a lawful general order by wrongfully having a Sergeant (Sgt/E-5) run a personal errand within the area of her duty station by picking up and dropping off her child. Petitioner acknowledged the entry and elected to make a statement. Enclosure (2).

b. In her statement, Petitioner indicated that she had a meeting with the Sergeant Major that necessitated the Sgt picking up and dropping off her child to a medical appointment. Enclosure (3).

c. In a memorandum from [REDACTED] she indicated that she volunteered to take Petitioner's child to therapy due to a required meeting Petitioner had with a senior enlisted advisor, and she would not be able to make both the meeting and drop her child off at his appointment. The [REDACTED] claims that she

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asked her officer-in-charge for permission, received permission, and notified Petitioner that she could take her child to therapy. Enclosure (4).

d. In her application, Petitioner contends the counseling entry incorrectly cites Department of Defense (DoD) Directive 5500.07, Ethics and Standards of Conduct, which does not contain paragraphs 2-300 and 2-302. Petitioner claims the references are in the Joint Ethics Regulation (JER). Petitioner also contends the counseling entry contains incorrect information as well as missing background information that directly contradicts the directive and charge. Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action.

In this regard, the Board determined that Petitioner's Page 11 entry was written and issued according to the Marine Corps Separation and Retirement Manual. The Board also determined that Petitioner's Commanding Officer (CO) had sufficient evidence to find that Petitioner violated the DoD Directive 5505.7, which references the JER. The JER provides that the use of DoD Personnel is for official purposes only and administrative staff, clerks, and military aides, may not be used to support the unofficial activity of other DoD Personnel whether in support of an individual or Non-Federal Entity. Additionally, support that is entirely personal, such as drafting personal correspondence, planning unofficial travel, or running personal errands within the area of the permanent duty station is never permissible. The Board further determined that Petitioner's CO acted properly and within his discretionary authority when issuing the Page 11 entry and the lack of reference to the JER does not invalidate the counseling entry.

The Board, however, carefully considered the circumstances which resulted in the counseling entry and opined that the issuance of a counseling entry was a disproportionate administrative action based on the alleged misconduct. The Board noted that the Sgt volunteered and obtained permission from her OIC before informing Petitioner that she was available assist by picking up and dropping off Petitioner's child. Therefore, in the interest of justice, the Board determined that the counseling entry and associated rebuttal statement should be removed.

RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosures (2) and (3).

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's 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.

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.

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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.

3/6/2025

[REDACTED]