



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

█
Docket No. 1495-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
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Ref: (a) 10 U.S.C. § 1552
(b) MCO P1900.16 (MARCORSEPMAN)
(c) SENAVINST 5300.28F
(d) Uniform Code of Military Justice (UCMJ)

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (6105) entry of 10 July 2023

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 removal of enclosure (2).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 27 August 2025 and pursuant to its regulations, the Board Majority 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 record, and applicable statutes, regulations, and policies.

3. Having reviewed all of 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 was counseled on 10 July 2023 and issued enclosure (2) in accordance with reference (b) paragraph 6210.6 because he was being processed for administrative separation. Specifically, based on allegations of violating reference (c), on or about 21 November 2022, when he touched the buttocks of █ with his hand and without her consent. Petitioner elected not to submit a written rebuttal. Enclosure 2.

c. On 6 July 2023, Commanding Officer, █ notified Petitioner of his intention to recommend Petitioner's discharge from the Marine Corps by reason of misconduct due to commission of a serious offense as evidenced by alleged violations of

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[REDACTED]

reference (d) Articles 120 (abusive sexual contact) and 128 (assault consummated by a battery). An Administrative Discharge Board (ADB)¹ determined the preponderance of the evidence did not “prove any of the acts or omissions alleged in the notification.” Subsequently, on 9 July 2024, Commanding General (CG), Headquarters Battalion [REDACTED] directed retention. Enclosure (1).

d. Petitioner contends the counseling entry at enclosure (2) should be removed from his official military personnel file (OMPF) as a result of the ADB’s findings that concluded “the preponderance of evidence did not prove any of the acts or omissions alleged in the notification.” Further, the counseling entry should be removed because “due to improper procedures” the submission of the counseling entry to his OMPF was unjustly delayed until 26 November 2024, after the adjudication of the alleged misconduct. Lastly, Petitioner contends he has already experienced the negative impact of the derogatory counseling entry and removal is necessary to “prevent any more negative impacts” on his career. Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence, the Board Majority determined Petitioner’s request warrants relief. The Board Majority relied on the ADB’s determination, the CG’s direction to retain Petitioner after his review of the chain of command endorsements of the ADB Report, and Petitioner’s otherwise laudatory record. The Board Majority further noted the same CG that directed Petitioner’s retention also directed the preparation and delivery of Petitioner’s “certificate of appointment to gunnery sergeant with a date of rank and effective date of 1 October 2023.” Ultimately, noting Petitioner likely chose not to submit a rebuttal statement on the advice of counsel since he was being processed for administrative separation, the Board Majority determined it was in the interests of justice to remove the adverse counseling entry because, as stated by a Board Majority member, “due process requires the full story” and any relief other than removal allowed an unjust document to remain in Petitioner’s record without all the relevant facts.

RECOMMENDATION

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

That the Administrative Remarks (6105) counseling entry at enclosure (2) be removed from Petitioner’s record.

That 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 titled matter.

¹ Petitioner’s OMPF does not include any documentation related to the administrative separation process. Any facts provided about the ADB were derived from documentation submitted by Petitioner.

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[REDACTED]

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

9/11/2025

[REDACTED]