



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

[REDACTED]  
Docket No. 1619-25  
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) Uniform Code of Military Justice (UCMJ)

Encl: (1) DD Form 149 w/enclosures  
(2) NAVMC 118(11), 6105 Counseling Entry, 24 June 2024

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 the 6105 counseling entry at enclosure (2).
2. The Board reviewed Petitioner's allegations of error or injustice on 18 June 2025 and, pursuant to its regulations, determined the corrective action indicated below should be taken on Petitioner's naval record in the interests of justice. Documentary material considered by the Board included the enclosures, relevant portions of Petitioner's naval records, 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 issued enclosure (2), a 6105 counseling entry, on 24 June 2024 for violation of Article 134 of reference (b) by "knowingly engag[ing] in conduct of a sexual nature" by sending a text to [REDACTED] that was "unwelcome and under the circumstances would cause a reasonable person to believe, and [REDACTED] did believe, that submission to, or rejection of such conduct would be used as a basis for career or employment decisions negatively affecting [REDACTED]" Petitioner indicated his election to submit a written rebuttal but a rebuttal does not reside in his official military personnel file.

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c. On 19 December 2024, an Administrative Discharge Board (ADB)<sup>1</sup> determined the preponderance of the evidence did not “prove any of the acts or omissions alleged in the notification.” Additionally, each ADB member signed a “special finding” that stated “No Basis determination made based on evidence not available at the time the 6105 was issued to [Petitioner].” Enclosure (1).

d. Petitioner contends the 6105 counseling entry at enclosure (2) should be removed from his 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” based on evidence that was not available when the counseling was issued. Petitioner, who is seeking the opportunity to reenlist, contends the unjust counseling entry is hindering his ability to do so. In support of Petitioner’s request for relief, the defense counsel that represented Petitioner before the ADB provided a detailed letter explaining the evidence presented to the ADB, to include details of the “live testimony from officers, non-commissioned officers, and other Marines who were familiar with [Petitioner’s] accuser.” Specifically, counsel explains how the testimonies, to include the testimonies and character statements also provided for this Board’s review, exposed [REDACTED] [REDACTED]’s history of “fabricating stories and engaging in deceitful behavior, including but not limited to creating fake social medial accounts to deceive others, enlisting others to pose as law enforcement officers to report fictitious heroic acts to allow the accuser to obtain fraudulent military awards, and falsely claiming medical conditions to obtain VA benefits.” Enclosure (1).

#### MAJORITY 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 members’ special finding that stated “No Basis determination made based on evidence not available at the time the 6105 was issued to [Petitioner].” Specifically, the Board Majority determined the new evidence noted by the ADB in its special findings, that was not available to the General Court-Martial Convening Authority (GCMCA) who ultimately substantiated the alleged misconduct that resulted in the counseling entry and administrative separation processing, overcame the findings that serve as the basis for the counseling entry.

Based on the available evidence, the Board Majority determined the relief requested by Petitioner is appropriate and serves the interest of justice.

#### MAJORITY 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 6105 counseling entry at enclosure (2) be removed from Petitioner’ naval record.

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<sup>1</sup> Petitioner’s official military personnel file (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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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.

#### MINORITY CONCLUSION

Upon careful review and consideration of all the evidence, the Board Minority determined there is insufficient evidence of an error or injustice to warrant relief. The Board Minority considered the counseling entry to be a separate record not affected by the ADB's finding. Further, the Board Minority specifically noted that the evidence available to the GCMCA and the evidence available to the ADB are not available in the record nor was the evidence submitted by Petitioner. Based on the evidence available for review by this Board, the Board Minority concluded there was insufficient evidence of an error or injustice to overcome the presumption of regularity that has attached to the GCMCA's substantiation of the misconduct and the resultant counseling entry.

#### MINORITY RECOMMENDATION

In view of the above, the Board 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 entitled matter.
5. The foregoing action of the Board is submitted for your review and action.

6/27/2025



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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

- Majority Recommendation Approved (Grant Relief – I concur with the Majority conclusion and therefore direct the relief recommended by the Majority 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.)

Assistant General Counsel (M&RA)