



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

█
Docket No. 4227-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
█

Ref: (a) 10 U.S.C. § 1552

(b) MCO 1900.16 w/█

(c) MCO P1070.12K w/█

Encl: (1) DD Form 149 w/enclosures
(2) NAVMC 118(11) Administrative Remarks, 30 Sep 19

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 (the Board), requesting that his naval record be corrected by removing enclosure (2).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 17 December 2025 and pursuant to its regulations, determined 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 has not 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 30 September 2019, pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), Petitioner received a 6105 Page 11 entry counseling him for using a derogatory term to degrade and imply negative connotations based on an individuals or groups color. Petitioner acknowledged the entry and elected not to submit a statement. The entry provided written notification concerning his deficiencies, specific recommendations for corrective action, where to seek assistance, notification that he is being processed for administrative separation, and it afforded him the opportunity to submit a rebuttal. Enclosure (2).

b. In his application, Petitioner contends the counseling entry was not signed by the commanding officer as required by reference (b). Instead, the entry was signed by the company commander rendering it procedurally improper. Enclosure (1).

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[REDACTED]

CONCLUSION

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

The 15 February 2019 change to reference (b) clearly defined "Commander/Commanding Officer" as a "board-selected or duly appointed commissioned officer or warrant officer who, by virtue of rank and assignment and per reference (c), exercises special court-martial convening authority and primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as a "command." Accordingly, the Board determined that Petitioner's company commander was not authorized to counsel Petitioner pursuant to reference (b). However, reference (c) does permit a commander, which includes company commanders, to counsel a member on their deficiencies and only mandates that an adverse entry include statements to the effect that the Marine was provided the opportunity to make a rebuttal statement. In this case, the company commander counseled Petitioner regarding his misconduct and afforded Petitioner the opportunity to make a statement, which he declined to do. The Board determined that the company commander had the authority to counsel Petitioner on his misconduct. Furthermore, Petitioner provided no evidence that the misconduct documented in the counseling entry did not occur or was otherwise erroneous. The Board concluded that the Petitioner's use of a derogatory term was properly documented.

Because Petitioner's company commander was not authorized to include statements regarding administrative separation and was not a "Commander/Commanding Officer" as defined by reference (b), the Board determined that enclosure (2) should be redacted by removing language that triggers a 6105. Specifically, paragraphs four and five of the counseling entry.

RECOMMENDATION

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

Petitioner's naval record will be corrected by removing the following statements from enclosure (2):

"Failure to take corrective action and any further violations of the UCMJ, disciplinary action, or incidents requiring formal counseling may result in judicial or adverse administrative action, including but not limited to administrative separation."

"I understand that failure to complete my enlistment contract with an honorable characterization of service may preclude my eligibility for benefits from the Department of Veterans Affairs or other organizations and have an adverse effect on future civilian employment."

A copy of this report of proceedings will not be filed in Petitioner's naval record.

That no further changes be made to Petitioner's naval record.

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[REDACTED]

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 Regulation, 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.

1/6/2026

