



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

HD

Docket No. NR6737-14

2 April 2015

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 7 May 14 w/attachments
(2) HQMC JPL memo dtd 14 Nov 14
(3) HQMC MIQ memo dtd 12 Jan 15
(4) Subject's e-mail dtd 12 Mar 15 w/attachments
(5) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)" entries dated 21 November 2013, 2 December 2013 with rebuttal dated 5 December 2013, and 9 December 2013 (copies at Tabs A, B and C, respectively).

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 April 2015, 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, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds 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. In enclosures (2) and (3), the Headquarters Marine Corps (HQMC) offices with cognizance over the subject matter of Petitioner's case have commented to the effect that the request has merit and warrants partial relief; specifically, completely removing the contested entries dated 22 November and 9 December 2013, and modifying the entry dated 2 December 2013 by removing "violation of Article 86, unauthorized absence on or about 14 Nov 2013 at 0910. You were given a task that should have taken you 10 minutes to complete, instead you did not return as directed."

c. In enclosure (4), Petitioner's reply to the HQMC advisory opinions, he maintained that the entire entry dated 2 December 2013 should be removed.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (2) and (3), the Board finds the existence of an error and injustice warranting the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entries dated 22 November 2013 and 9 December 2013. This is to be accomplished by physically removing the page 11's on which the entries appear, or completely obliterating the entries so they cannot be read, rather than merely lining through them.

b. That his record be corrected further by modifying as follows the page 11 entry dated 2 December 2013:

(1) Remove the following:

violation of Article 86, unauthorized absence on or about 14 Nov 2013 at 0910. You were given a task that should have taken you 10 minutes to complete, instead you did not return as directed.

(2) At the beginning of the third sentence, change the first letter of the word "Violation" to a small "v."

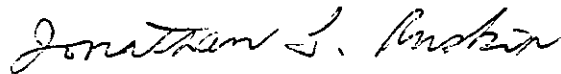
c. That his record be corrected further by modifying as follows his rebuttal statement dated 5 December 2013 to the page 11 entry dated 2 December 2013:

- (1) Paragraph 2: Delete "Article 86,"
- (2) Paragraphs 3-5: (both paragraphs 4 and both paragraphs 5): Remove completely.
- (3) Paragraph 6: At the beginning, remove "Furthermore," and capitalize the first letter of the word "the."
- (4) Renumber paragraphs 6 through 16 as 3 through 13.

d. 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.

e. That the remainder of Petitioner's request be denied.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.



JONATHAN S. RUSKIN
Recorder

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.



ROBERT J. O'NEILL
Executive Director