

2



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

JSR
Docket No: NR4293-14
2 April 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

You requested removing the service record page 11 ("Administrative Remarks (1070)") entry dated 23 October 2013 and your undated rebuttal.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 April 2015. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions from Headquarters Marine Corps dated 9 October and 26 November 2014, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion dated 26 November 2014 and disagreed with the advisory opinion dated 9 October 2014, which recommended removing the contested page 11 entry on the basis that your Official Military Personnel File did not include the enclosures to your rebuttal. The Board

noted that Marine Corps Order P1070.12K, section 4003.4, which you say "stipulates that rebuttal statements and enclosures be included with the submittal of a page 11," does not state that enclosures to page 11 rebuttals must be included in the record. The Board was unable to find that the entry was excessive for the misconduct it addresses, nor could it find the entry was unjustified. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure