



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

[REDACTED]
Docket No: 3160-16
JAN 09 2017

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 September 2016. The names and votes of the members of the panel will be furnished upon request. 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.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

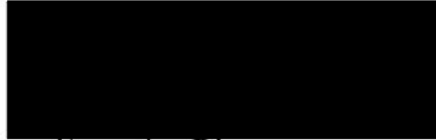
On 30 November 2015, you received a Page 11 for creating false documents with the intent to deceive your recruiting substation Staff Non Commissioned Officer in charge and violating the recruiting station Commander's guidance on reporting accurate appointments and interviews. Your contention is that the Page 11 was unjust because your former Commanding Officer submitted an advocacy letter on your behalf stating that the documentation on the Page 11 was for counseling purposes only and was not to be inserted into the Electronic Service Record (ESR). Although, the Commanding Officer submitted an advocacy letter for issuing you the Page 11, he in no way argues the validity of the entry, and you chose not to submit a written rebuttal when the Page 11 was issued to you.

The Board concluded that your Commanding Officer's decision to counsel you was appropriate, and it was administratively and procedurally correct as written and filed. Additionally, a Page 11 is still an official counseling, regardless if it was not inserted into the ESR. The Board further concluded that the removal of the Page 11 is not warranted. Accordingly, your application has been denied.

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 and material

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 your 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 solid black rectangular box used to redact the signature of the Executive Director.

Executive Director