



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

[REDACTED]  
Docket No: 7824-16  
MAR 24 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 6 February 2017. 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. In addition, the Board considered the advisory opinion (AO) furnished by Headquarters, Marine Corps (MMRP-13) dated 30 August 2016, a copy of which was previously provided to you.

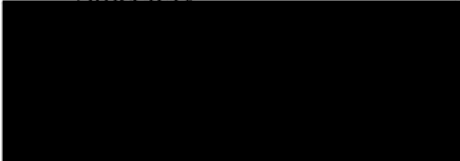
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board, in its review of your entire record and application, carefully considered your desire to have your fitness report for the reporting period from 21 January 2012 to 16 February 2012 removed from your record. In this regard, the Board considered your contention that the adverse report was issued in place of disciplinary action and that Section A, Item 6.b. (derogatory material) is not marked. The Board determined that removal of the contested report from your record is not warranted. The Board concurred with the AO and specifically noted that you did receive a 6105 counseling entry during the reporting period, and even though Item 6.b. of Section I is not marked, that is simply an administrative error and does not invalidate the report. Further, your 6105 counseling was not given as a result of a violation of the Uniform Code of Military Justice, so there is no reason to believe that the adverse report was used as a disciplinary tool in place of nonjudicial punishment. Finally, you did not provide proof that you were officially designated as the platoon commander, and your advocacy letters do not provide specific details that would warrant questioning the validity of the report. Given that, the Board concluded that you did not sufficiently substantiate your contentions. Accordingly, your application has been denied.

  
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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 this letter. 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,

  
Executive Director