



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

█  
Docket No. 6748-20  
Ref: Signature Date

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█  
█

Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your applications on 15 July 2021. 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the 16 October 2020 Advisory Opinion (AO) provided by the Headquarters Marine Corps Personnel Law Branch (JPL). The AO was provided to you on 7 December 2020, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your 15 July 2020 Administrative Remarks (Page 11) 6105 counseling entry. The Board considered your contention that the Page 11 does not aligned with the facts described in the Provost Marshal Officer (PMO) report, █ Version 1.

The Board, however, substantially concurred with the AO. Specifically, your insinuation that one document, the PMO report, is the only archive of fact regarding your vehicle accident is mistaken. Moreover, the PMO report is not a governing document for a 6105 counseling; it is only one piece of evidence used in consideration of the commander's decision to counsel you.

The Board thus determined that the issuing officer was within his discretionary authority to issue the counseling entry, and that the entry met the 6105 counseling requirements detailed in MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted that the entry provided written

notification concerning your deficiencies, specific recommendations for corrective action indicating any assistance available, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action, and a reasonable opportunity to undertake the recommended corrective action. You were afforded the opportunity to rebut the counseling, but chose not to. The Board thus concluded that the Page 11 entry does not constitute probable material error or injustice warranting removal from your record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. 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.

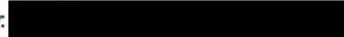
Sincerely,

7/27/2021

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Executive Director

Signed by:

A black rectangular redaction box covers the name of the Executive Director.