



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

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Docket No. 6804-20
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 5 August 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 13 November 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record. You contend that o

The Board carefully considered your request to remove two Administrative Remarks (Page 11) 6105 counseling entries, each dated 10 February 2020. The Board considered your contentions that the Page 11s are dated incorrectly and that you received them late. Additionally, you contend that the Page 11 counseling you for violation of Article 92, Uniform Code of Military Justice was erroneously issued because you did make contact with your First Sergeant, and that you were using medication that made you sleepy and forgetful. You also contend that the Page 11 counseling you for violating a Military Protective Order (MPO) does not cite the date you violated the MPO, and that it was issued despite having a mental breakdown and suicidal ideations at the time.

The Board, however, substantially concurred with the AO that, given the presumption of regularity, your petition amounts to a difference of opinion regarding the issuing official's decision to give you a 6105 counseling. This difference in opinion is not enough overcome the objective evidence of your failure to follow orders and their connection to the issuing official's decision to give you the 6105 counselings. The Board thus concluded that your petition did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of the contested Page 11s from your OMPF.

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,

8/14/2021

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

Signed by

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