



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. 8870-20
Ref: Signature Date

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Dear Petitioner:

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 application on 1 October 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 application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your 16 June 2020 Administrative Remarks (Page 11) 6105 counseling entry regarding your violations of Article 92 of the Uniformed Code of Military Justice and the associated rebuttal. You contend the entry should be removed due to the "punishment being unjust." Specifically, you contend there was not enough evidence to "take the matter to court-martial" and since you had already refused to accept nonjudicial punishment, the command issued the counseling, which you had "to sign regardless of dispute." You further contend the command "heavily influenced" you to change your original rebuttal and you felt that if you did not comply "retaliation from [your] command was likely." The Board also considered your contention the "reason for the 6105" was your battalion commander's pending detachment from the command and the fact that "any further action would have delayed" the execution of the orders.

[REDACTED]

The Board noted you were counseled for two violations of the Recruit Training Order, Depot Order P1510.32A. Specifically, you were counseled for conducting illegal incentive training and unauthorized physical contact with multiple recruits within your platoon by grabbing and shoving them. The Board determined the 16 June 2020 counseling entry creates a permanent record of a matter your commanding officer deemed significant enough to document, and your evidence and advocacy letters did not prove otherwise. The Board also determined the entry met the 6105 counseling requirements detailed in MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted 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, and your rebuttal has been included in your official military personnel file. The Board thus concluded there is insufficient evidence of material error or injustice warranting corrective action.

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,

10/12/2021

[REDACTED]
[REDACTED]
[REDACTED]
Deputy Director
[REDACTED]