



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: 486-21
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.

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.

A three-member panel of the Board, sitting in executive session, considered your application on 28 September 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 carefully considered your request to remove an Administrative Remarks Page 11 6105 entry you received on 6 August 2018 for harassment through your use of a racial slur on 18 July 2018 towards the Company lead Corpsman in violation of MCO 5354.1E, Prohibited Activities and Conduct Prevention and Response Policy. You argue that the Page 11 is invalid as the commanding officer (CO) dismissed the complaint “as moot” because the matter was resolved through informal means between the parties. You included with your petition the decision of the Command Inspector General (CIG) of Training Command (TRNGCMD), which states the same.

The Board noted that you received an adverse fitness report for the period 1 June 2018 to 30 July 2018 due to being relieved for cause as a result of the substantiated Equal Opportunity complaint. The commanding officer (CO), in response to your rebuttal to the fitness report, stated although

[REDACTED]

“the complaint was ultimately resolved with the Informal Resolution System, the fact remains that harassment by MRO was substantiated by a thorough investigation.” The Board acknowledged your evidence, but noted that the letter merely states that the complaint was resolved via informal means not that the incident did not occur and not that the incident was unsubstantiated.

The Board determined that the contested entry was written and issued in accordance with MCO 1070.12K, Marine Corps Individual Records Administration Manual (IRAM). Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, and consequences for failure to take corrective action, it afforded you the opportunity to submit a rebuttal, and your CO signed the entry. Moreover, the entry creates a permanent record of a matter your CO deemed significant enough to document, and as your CO, he was well within his authority to issue the counseling entry. The Board thus concluded that there is no probable material error or injustice warranting further 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,

10/7/2021

[REDACTED]

Executive Director

[REDACTED]