



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

█
Docket No. 633-21
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.

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 carefully considered your request to remove your 1 October 2020 Administrative Remarks (Page 11) 6105 counseling entry regarding your absence without leave from a field day inspection on 22 August 2020. You contend the entry should be removed because it contains error and is unjust. Specifically, you contend the Electronic Data Interchange Personal Identifier (EDIPI) at the bottom of the Page 11 entry is not your EDIPI. You further contend it is unjust because you “personally scheduled the barracks inspection” and “the word passed to the Marines got lost in translation.”

The Board noted the first seven digits and the last digit of the EDIPI are correct; however digits eight and nine are the correct numbers but in the wrong order. The Board determined this was a scrivener’s error and was not material as it made no difference to the processing of your Page 11 entry and, since the entry was correctly submitted into your official military personnel file (OMPF), did not prevent proper inclusion in your OMPF. The Board noted an additional error, not raised by you, but also determined it was an immaterial scrivener’s error. Specifically, the counseling entry states you violated Article 85 of the Uniform Code of Military Justice but the entry noted in parentheses “Absence without leave.” The Board noted Article 85 is for desertion,

but since the word “desertion” is not used in the entry, and the command used “(absence without leave)” in the entry, the error made no difference to any material fact.

The Board determined the 1 October 2020 counseling entry creates a permanent record of a matter your commanding officer deemed significant enough to document. 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 but elected to not submit a rebuttal for inclusion in your OMPF. 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,

10/22/2021

[Redacted Signature]

Executive Director

Signed by: [Redacted Name]