



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: 655-21
Ref: Signature Date



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 19 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 18 March 2020 Administrative Remarks (page 11) 6105 counseling entry and rebuttal statement. The Board considered your contentions that your page 11 entry was issued as a reaction to your command's personal feelings toward an incident that was previously adjudicated. You also contend that inappropriate and opinionated verbiage in the security investigation caused you to conclude that your page 11 entry was issued based on opinion and not objectivity. You claim that the Special Security Officer's (SSO's) statement regarding the granting of your access to classified information was inconsistent. You also claim that you did not intentionally falsify any official statement, you prepared the Standard Form 86 Certification (SF 86C) according to guidance provided by the SSO and the incident was a misunderstanding that does not warrant the inclusion of permanent derogatory material in your record.

The Board, however, determined that your page 11 entry is valid. In this regard, the Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a page 11 entry counseling you for failing to report changes to your SF 86C and for withholding negative information and changes. The Board also noted that you were properly

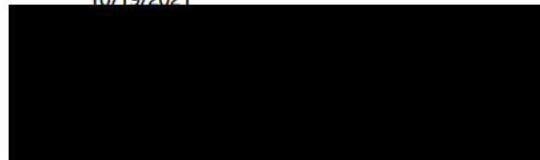


counseled and determined that the contested entry was written and issued according to the MARCORSEPMAN. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, that failure to complete your enlistment contract with an honorable characterization of service may impact Veteran Affairs benefits, and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the entry and determined that your performance was a matter essential to record, as it was his/her right to do. The Board relies on a presumption of regularity to support the official action of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board determined that your evidence was insufficient to overcome this presumption. The Board found no evidence that your page 11 entry was based upon personal feeling or opinions and you provided none. The Board also determined that your CO had sufficient knowledge of the facts to conclude that your page 11 entry was warranted. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, 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,

10/19/2021



Executive Director

Signed by:

