



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: 716-21
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 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 December 2018 Administrative Remarks (page 11) 6105 counseling entry and State of Illinois court order. The Board considered your contentions that you did not sign the page 11 entry and the content of the entry is hearsay. You also contend that the State of Illinois court order should not be 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 driving with a Blood Alcohol Concentration (BAC) above the legal limit and you were found to have a BAC between .167 and .176 at the time of your arrest. Your page 11 entry also noted that the State of █ agreed to dismiss your charges upon successful completion of the States alternate disposition program. The Board also noted that you were properly counseled for your alcohol related incident and determined that the contested entry was written and issued according to the Individual Records Administration Manual (IRAM). 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, and it afforded you the opportunity to submit a

rebuttal. Moreover, your commanding officer (CO) determined that your misconduct was a matter essential to record, as it was within his/her discretion to do. The Board noted, too, that your CO documented your refusal to sign the page 11 entry and determined that your acknowledgment of the page 11 entry is not an admission of guilt, but would have afforded you an opportunity to submit a statement to the record. Thus, by refusing to sign the entry you forfeited this opportunity. The Board further noted that the State of [REDACTED] court order provides that you previously pled guilty and were placed in the Veterans Court program, you filed a motion to withdraw your plea, your motion was granted, and you acknowledged that if you failed to remain in Veterans Court program your charges may be reinstated. The Board determined that your participation in the Veterans Court program is not an exoneration of your charges and does not constitute justification for the removal of your page 11 entry.

Concerning the removal of your court order from your record, the Board determined that no action is required. A review of your record revealed that the contested document was not on file in your record. 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,

10/31/2021

[REDACTED]

Executive Director

[REDACTED]