



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: 1401-21
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 26 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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.

The Board carefully considered your request to remove your 9 March 2020 Administrative Remarks (page 11) 6105 counseling entry. The Board considered your contentions that the circumstance for issuing your page 11 entry was not accurately captured and the alleged victim explained that the context was taken out of proportion. You also contend that no physical harm occurred to any individual and the contact was an open hand to an aviation safety helmet.

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 violating the Prohibited Activities and Conduct Prevention and Response Policy, by failing to maintain a safe healthy working environment and for assaulting two subordinate Marines by striking them with an open hand and yanking another

Marine back and forth. 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, the consequences for failure to complete your enlistment contact with an honorable characterization of service, 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 his/her right to do. The Board noted, too, that you acknowledged your page 11 entry and elected not to submit a statement. The Board determined that your election not to submit a statement indicates that you fully understood the content of your page 11 entry. The Board found no evidence that your page 11 entry is not accurate and you provided none. The Board also determined that your CO had sufficient knowledge of the circumstances to determine 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,

11/16/2021

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Executive Director
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