



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. 1799-21
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 28 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 determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove an Administrative Remarks (Page 11) 6105 counseling entry dated 25 July 2018 from your official military personnel file (OMPF). You contend the Page 11 counseling entry was issued in error because the initial counseling entry was prepared in October 2017, at the time of the alleged misconduct, but was never processed because the issuing officer did not have the appropriate command authority. You further contend you submitted a detailed rebuttal to the initial counseling entry. Once the administrative chain of command was identified, you contend the 6105 counseling entry was re-drafted and issued on 25 July 2018 but the entry was "shown to [you]" by the Master Sergeant and you were not counseled by the commanding officer. The Board also considered your contention the counseling entry unjustly misconstrues the events and falsely references four alcohol related incidents and three domestic disputes which had not previously been addressed by the command. Further, the Board considered your contention the command did not consider your wife's admission that the disputes should be attributed to her verbal and physical aggression

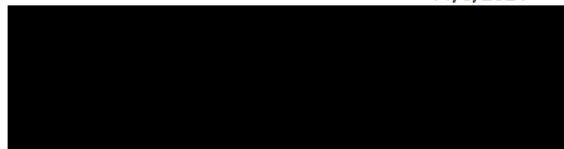
towards you. Lastly, the Board considered the two fitness reports you submitted and your contention the evaluations did not mention alcohol offenses or a domestic dispute but rather reflect your award-worthy performance.

The Board noted you were counseled for an alcohol related incident on 12 October 2017 that resulted in a domestic dispute that involved you, your spouse, and your children at your on-base residence. The Board determined the counseling entry creates a permanent record of matters 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 entry, but you declined to provide a rebuttal for inclusion in your OMPF, even though, per your contention, you had already prepared a comprehensive rebuttal when you were initially counseled in October of 2017. Further, the Board noted the counseling entry was appropriately issued by the commanding officer as evidenced by his signature on the entry. 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,

11/6/2021

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Deputy Director

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