



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

██████████
Docket No. 2664-21
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 applications on 4 November 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 applications, 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 24 June 2019 Administrative Remarks (Page 11) 6105 counseling entry. The Board considered your contentions that the 6105 was processed illegally and not in accordance with the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) because the Commanding Officer who issued the 6105 counseling was your Company Commander, and not the Battalion Commander. You assert that, according to the MARCORSEPMAN, the Battalion Commander meets the requirements for Commanding Officer, not the Company Commander.

The Board noted that, by signing the 6105 counseling, your Commanding Officer indicated that he believed it to be appropriate based on the facts and circumstances, and using a preponderance of the evidence standard. The Board thus determined that the issuing officer was well within his discretionary authority to issue the counseling entry, and that the entry met the 6105 counseling requirements detailed in the Marine Corps Separations Manual. Specifically, the Board noted that 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, and your rebuttal, in which you acknowledged your inappropriate behavior and took accountability of your actions, is filed in your official military personnel file.

The Board noted that a 6105 counseling is given a presumption of regularity which requires you to provide substantial evidence that the commander's decision was unjust or was materially in error. The board noted that "commanding officer" is defined as the company, battery, or squadron commander of their functional equivalent. The Board thus determined that you did not provide sufficient evidence that your Company Commander did not have the authority to sign the 6105 counseling. The Board thus concluded that the Page 11 6105 counseling entry does not constitute probable material error or injustice warranting removal from your record.

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,

11/24/2021

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Deputy Director

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