



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

█  
Docket No: 3061-21  
Ref: Signature Date

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Dear █:

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 18 January 2022. 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 an Administrative Remarks Page 11 6105 entry, your rebuttal to the entry, and an adverse fitness report covering the period 1 November 2018 to 31 March 2019. On 18 January 2019, a command investigation substantiated allegations that you violated Articles of the Uniform Code of Military Justice (UCMJ); specifically, Article 93, sexual harassment, and Article 89, disrespect toward a superior officer. On 19 March 2019, you received a Page 11 for violating the Prohibited Activities and Conduct (PAC) Order and you submitted a rebuttal. Subsequently, you received an adverse fitness report for the misconduct documented in the Page 11. You argue that the Page 11 is invalid because it incorrectly states the wrong Marine Corps Order, MCO 5351.E vice 5354.1E and that the claims of sexual harassment and disrespect are based on insufficient evidence thereby invalidating the Page 11 and adverse fitness report.

The Board noted that the Third Officer █ wrote in the adverse fitness report that the command investigation was reviewed by the 1st Marine Aircraft Wing (MAW) Staff Judge Advocate who found that the evidence supported the findings of the investigation officer, that the investigation was legally sufficient, and that the investigation complied with all legal and administrative requirements. The Board found that there was no evidence that the investigation

the Page 11 is based upon was invalid. Furthermore, the Board found no material error or injustice with respect to the 19 March 2019 Page 11 entry and consequently determined that the counseling entry, rebuttal, and adverse fitness report are valid and shall remain in 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,

1/27/2022

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Deputy Director

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