



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: 3864-21

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 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 your 15 May 2017 Administrative Remarks (page 11) 6105 entry, to change your reentry code to RE-1A, reinstatement on active duty, and consideration for promotion by a Fiscal Year (FY) 2019 Enlisted Remedial Selection Board (ERSB). The Board considered your contention that the side effects of the drug was not your fault and that the incident was a side effect of anti-depressant Wellbutrin. You claim that Wellbutrin could lead to suicidal attempts/thoughts. You also claim that you were not attempting to be derelict in your duties, a physical evaluation board/medical evaluation board found you fit for duty, and there was no drug abuse, controlled substances, or positive drug tests.

The Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a page 11 entry counseling you for being derelict in your duties while serving as a canvassing recruiter by taking an excessive amount of a prescribed medicine that rendered you ineffective for six days. The Board noted that you acknowledged the entry and elected not to submit a statement. The Board determined that the contested entry, as modified, was written according to the Marine Corps 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) signed the entry and determined that your misconduct was a matter essential to record, as it was his/her right to do.

Concerning your contention that the Wellbutrin led to your suicidal thoughts/attempt, the Board noted that the brochure you furnished warned that “a small number of people (especially people younger than 25) who take antidepressants for any condition may experience new or worsening depression, other mental/mood symptoms, or suicidal thoughts/attempts. Therefore, it is very important to talk with the doctor about the risks and benefits of antidepressant medication, even if treatment is not for a mental/mood condition.” The Board also noted that the brochure identified more than 20 additional side effects and states to contact your doctor for medical advice about side effects. The Board also noted that you meet the age demographic when your misconduct occurred, and the Board found no medical evidence that you contacted your doctor regarding any side effects or that Wellbutrin caused you to take more than the prescribed dose of medication and you provided none.

The Board relies on a presumption of regularity to support the official action of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board also determined that your CO had sufficient knowledge of the facts and acted within his discretionary authority when determining 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,

2/4/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]