



The Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a page 11 entry counseling you for failing to follow directions regarding account reconciliation, failing to meet established timelines, poor attitude, rude or untactful behavior towards supporting agencies, and substandard technical performance. The Board also noted that you acknowledged the counseling entry and elected not to submit a statement. The Board determined that the contested entry was written and issued 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.

The Board also noted that you received NJP for violating Article 92, Uniform Code of Military Justice (UCMJ), for not notifying the GySgt of your intent to take leave, for failing to keep him informed of your status, and for requesting a leave extension from a location five hours away approximately one hour before your leave expired. The Board also noted that you acknowledged your Article 31, UCMJ Rights, accepted NJP, certified that you were given the opportunity to consult with a military lawyer, acknowledged your right to appeal, and elected not to appeal your CO's finding of guilt at NJP. The Board found no evidence of irregularities that would invalidate your NJP and determined that your NJP was conducted pursuant to the *Manual for Courts-Martial* (2009 ed.).

Moreover, the Board relies on a presumption of regularity to support the official actions 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 determined that your page 11 entry and NJP are valid, accordingly, the Board found no basis to grant consideration for promotion to GySgt or to update your awards. You also indicated in your application that you were the victim of sexual assault or harassment. The Board, however, determined that there was insufficient evidence to conclude that you were the victim of sexual assault or harassment in violation of 10 USC § 1561. 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,

2/10/2022



Executive Director

