



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

■
Docket No: 4151-21

Ref: Signature Date



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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your 2 March 2018 Administrative Remarks (page 11) 6105 entry and you request the names of the Board members. The Board considered your contention that you did not sign the page 11 entry because you felt it was unjust. You also contend that Marines provided statements after the first sergeant (1stSgt) retired because they were in fear of their careers. You claim that all of the issues noted in your page 11 entry were discussed during the exercise and you believed they were handled. You also claim that your ability to maintain accountability was not questioned because the Battalion Commander would not have selected you to be the Assistant Security Manager. As evidence of a hostile working environment, you furnished your fitness report for the reporting period 1 January 2018 to 19 March 2018, a certificate of training, MOL notifications, Facebook correspondence between you and your former first sergeant (1stSgt), and statements from two Marines.

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 report the accountability of the platoon by 0630 and 1530 daily, failing to attend a meeting on two occasions, and failing to inform a Marine that he was getting promoted which caused him to miss the promotion formation. The Board noted that you refused to acknowledge the entry, as a result, you forfeited your right to submit a statement to the record. The Board determined that the contested entry was written and issued according to the 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 substandard performance was a matter essential to record, as it was his/her right to do.

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.

Concerning your request for the names of the Board members, you must submit a Freedom of Information Act request via <https://foiaonline.gov/foiaonline/action/public/home>. You also indicated in your application that you were the victim of reprisal. The Board, however, determined that there was insufficient evidence to conclude that you were the victim of reprisal in violation of 10 USC § 1034. 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
[REDACTED]