



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: 5268-21
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 1 February 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.

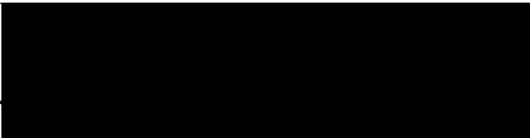
On 16 November 2020, you received an Administrative Remarks Page 11 counseling entry for fraternization with a female corporal. You subsequently received an adverse fitness report for the period 7 August 2020 to 31 December for the counseling. You argue the Page 11 entry is invalid because you previously received a Non-Punitive Letter of Caution (NPLOC) for the inappropriate conduct with the junior Marine.

The Board carefully considered your request to remove the Page 11 entry and to correct your adverse fitness report. The Board noted that you elected not to submit a rebuttal to the 16 November 2020 Page 11 entry, and that both you and your commanding officer (CO) signed the entry. The Board determined that there was no substantive error with the Page 11 entry as it provided written notification concerning your deficiency, where to seek assistance, and potential consequences if further violations occur. Moreover, the Board determined the entry created a permanent record of a matter your CO deemed significant enough to document, and as your CO, he was well within his authority to issue the counseling entry. The Board thus concluded that there is no material error or injustice warranting further action. As the counseling entry has not been removed, the Board concluded there is no error in need of correction regarding the adverse fitness report.

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,

2/9/2022

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Executive Director

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