



Officer must provide a copy of the investigation to the Commanding General in order to request for relief for cause, and since the FOIA request resulted in no investigation, the Commanding Officer had no basis to request your relief for cause. Lastly, you assert that you completed a successful tour as a drill instructor.

The Board determined that, by signing the 6105, your Commanding Officer indicated that he believed it to be appropriate based on the facts and circumstances, and using a preponderance of the evidence standard. The Board thus determined that the issuing officer was well within his discretionary authority to issue the counseling entry, and that the entry met the 6105 counseling requirements detailed in the Marine Corps Separations Manual. The Board thus concluded that the Page 11 6105 counseling entry does not constitute probable material error or injustice warranting removal from your official military personnel file (OMPF).

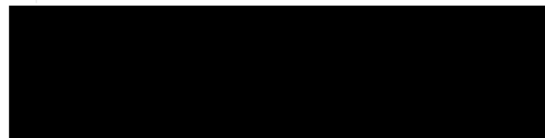
With regard to your request to remove your Fitrep, the Board substantially concurred with the AO and the PERB decision that, in accordance with the Marine Corps Performance Evaluation System (PES) Manual, the reporting senior provided factual basis for the adverse nature of the Fitrep, and issuing the Fitrep was warranted. The Board noted that the Fitrep was procedurally correct as written and filed, and appropriately adjudicated by a Third Officer Sighting. The Board thus concluded that your request is lacking in substantial evidence of error or injustice warranting removal of the Fitrep from your OMPF.

With regard to awarding you the drill instructor ribbon, the Board noted that your Commanding Officer was well within his discretionary authority to relieve you of your duties as a drill instructor, and that he was not required to provide a copy of an investigation to the Commanding General in order to do so. The Board determined that, in accordance with the Special Duty Assignments Manual, you did not meet the minimum 30-month requirement and that you were relieved for cause. The Board thus concluded that you did not successfully complete a tour as a drill instructor.

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,

3/7/2022

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Deputy Director

Signed by: 