





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

  
Docket No: 6261-21  
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 22 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.

The Board determined that your personal appearance, with or without counsel, would 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.

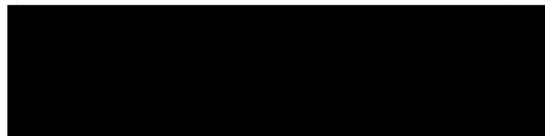
In April 2020, you were assigned as a canvassing recruiter for Recruiting Station Charlotte. You were diagnosed, in August 2020, with Adjustment Disorder and you were pulled from recruiter duties. On 28 October 2020, you received an Administrative Remarks 6105 counseling entry for lack of judgment for sending taunting photographs to your Staff Non Commissioned Officer In Charge (SNCOIC) on two separate occasions when reporting for accountability. You did not submit a rebuttal statement. As a result of the counseling entry, you received an adverse fitness report covering the period 5 April 2020 to 31 March 2021. You argue the 6105 entry is erroneous and unjust because you were instructed by the recruit station commander to text him and the station a-gunner at 0900 and 2100 on the weekend. You contend that you texted the group with pictures to show that you were in a good mental state and not as taunts. You further state that after the a-gunner informed you that pictures were not needed for accountability, you no longer sent pictures with the accountability texts.

The Board carefully considered your request to remove the 6105 entry and amend the fitness report to not adverse. The Board noted that paragraph 4006.3 (r) of Marine Corps Order (MCO) 1900.16, Marine Corps Separation and Retirement Manual (MARCORSEPMAN) provides commanding officers (CO) with wide discretion regarding the subject-matter of counseling. The Board also determined that the contested entry was written and issued in accordance with MCO 1070.12K, Marine Corps Individual Records Administration Manual (IRAM). Specifically, the entry provided written notification concerning your deficiency, specific recommendations for corrective action, where to seek assistance, and consequences for failure to take corrective action, it afforded you the opportunity to submit a rebuttal, and your CO signed the entry. Moreover, the entry creates 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 probable material error or injustice warranting corrective action for the counseling entry and that the adverse fitness report based on the counseling should remain in your record.

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,

3/22/2022

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Executive Director

Signed by:

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