



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

█
Docket No: 6424-21

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 8 March 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. You also request to be considered for remedial promotion to Staff Sergeant (SSgt/E-6) during the Fiscal Year 2018 Promotion Selection Board. The Board considered your contentions that after reviewing the contents of the 30 October 2017 Command Investigation (CI), you identified false statements made by your accusers and factual inaccuracies. You also contend that the page 11 entry contains egregious and accusatory language, accusations based on false, inconsistent and misleading claims, and accusations unsupported by evidence. You further contend that the CI implies guilt for actions that would normally constitute more severe punishments and the allegation of denigrating Marines based on religion was not included in the investigation. You claim that the accusations of damaged clothing and of your knife touching skin were false. You also claim that the page 11 entry has

hindered your career progression, causing you to make potential career altering decisions and you have not been selected for promotion due to the page 11 entry.

The Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a page 11 entry properly counseling you for making false official statements and assault with a weapon. Specifically, for denigrating a junior Marine based on religion, assaulting the Marine with a knife by placing it to his chest, stating the Marine walked into your knife, and stating that you never bashed or demoralized the Marine or any other Marine because of religion. The Board also noted that you acknowledged the page 11 entry and elected to submit a statement. In your statement, you acknowledged that the incident was a lapse in professional judgement. The Board determined that your contested page 11 entry was issued and written 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 consequence for failing 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 that your misconduct was a matter that formed an essential and permanent part of your military record, as it was his/her right to do.

The Board considered the evidence you furnished, and noted that the CI substantiated the misconduct documented in your page 11 entry. According to the CI, you admitted to pulling out your knife, witnesses observed you touching the blade of the knife to the chest of a Marine, and substantiated that you made disparaging comments and remarks to Marines. The Board determined that your CO issued your page 11 entry based upon the preponderance of the evidence and his discretionary authority. The Board also noted that the investigating officer did note inconsistencies, however, those inconsistencies are not substantive enough to invalidate the page 11 entry. The Board also determined that your evidence is insufficient to warrant removal of your page 11 entry or to grant remedial consideration for promotion to SSgt. 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,

4/1/2022

█

Deputy Director

Signed by: █