



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

█
Docket No. 6526-21
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 20 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.

The Board carefully considered your request to remove an Administrative Remarks (Page 11) entry dated 22 February 2021 from your official military personnel file (OMPF) because you contend it is erroneous. Specifically, you contend, through the email sent by the Staff Sergeant Grounds Chief at your current command, the Page 11 is in error because the "correct transaction should have been to conduct another 12 month promotion restriction" dated 5 August 2021.

The Board noted a Page 11 entry was issued to you on 14 August 2020 because you were being placed in a 12-month promotion restriction status due to being processed for administrative separation. On 22 February 2021, you were issued another Page 11 entry regarding promotion restriction due to being processed for administrative separation. Again, on 9 September 2021, you were issued a third Page 11 entry regarding promotion restriction. Each of these Page 11 issuances allowed you the opportunity to submit a rebuttal but you declined that opportunity. The Board also determined the entry met the requirements detailed in MCO P1070.12K W/CH 1 (IRAM). Specifically, the Board determined the contested counseling entry of 22 February 2021 created a permanent record of matters your commanding officer deemed an essential part of your military history. The Board noted you were provided the opportunity to rebut the entry, but you declined to provide a rebuttal for inclusion in your OMPF. Further, the Board noted the entry

was appropriately issued by the CO as evidenced by his signature on the entry. Finally, the Board determined since your administrative separation processing had not been resolved at the time of the contested Page 11, it qualified as an authorized entry. The Board thus concluded there is insufficient evidence of material error 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,

