



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

██████████
Docket No. 6774-21
Ref: Signature Date

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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 applications on 3 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 applications, 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 your Administrative Remarks (Page 11) 6105 counseling entry [date illegible]. The Board considered your contentions that you do not have any tattoos that show in physical training (PT) gear.

By signing the Page 11 6105, your Commanding Officer (CO) 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 at the time, and that the entry met the counseling requirements detailed in Marine Corps Bulletin (MCBul) 1020 dated 2 June 2016 and the Marine Corps Uniform Regulations concerning the Marine Corps Tattoo Policy. Specifically, the Board noted that the entry documented your tattoos accordingly, and you certified that the information was correct by signing the entry.

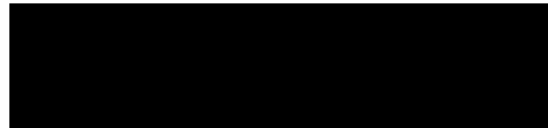
The Board noted that a 6105 counseling is given a presumption of regularity which requires you to provide substantial evidence that the commander's decision was unjust or was materially in error. The Board further noted that you provided insufficient evidence to rebut this presumption of regularity. Although you contend that you do not have tattoos that show in PT gear, the Board

determined that they could not ascertain why you would certify the 6105 counseling entry if it were not true, and absent additional information, to include a legible date, could not determine if the counseling entry was unjust or materially in error. The Board also noted the publication of an updated MCBul 1020 dated 29 October 2021, which cancels the previous MCBul and allows tattoos with exceptions, however, it does not include language to void out previous entries documenting tattoos. The Board determined that your CO adhered to the requirements in accordance with the Individual Records Administrative Manual, and there is nothing that precluded your CO from issuing the counseling entry. The Board thus concluded that the Page 11 6105 counseling entry does not constitute probable material error or injustice warranting removal from your OMPF.

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,

3/21/2022

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Executive Director

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