

years under the same leadership and this isolated incident took place new leadership within six months of taking command with new Marines.

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, and that the entry met the 6105 counseling requirements detailed in the Marine Corps Separations Manual. Although you were provided an opportunity to submit a rebuttal statement, you chose not to do so.

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 did not provide substantial evidence to rebut this presumption of regularity.

With regard to your contentions, the Board determined that your CO issued you the counseling entry based on information gathered from the PAC investigation that revealed you fostered and, often times, instigated a toxic culture and made inappropriate comments towards junior Marines. As such, 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 the 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,

3/10/2022

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Executive Director

Signed by: █