



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

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Docket No. 351-22
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 application on 12 May 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 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.

You presented as new evidence a handwriting expert report who opined that there is evidence to suggest that the contested Administrative Remarks (Page 11) 6105 counseling entry and rebuttal may have been written by someone other than you. In light of this, the Board carefully considered your request to remove your 10 September 2019 Page 11 6105 counseling entry and corresponding rebuttal dated 18 September 2019.

The Board considered that the previous panel of this Board, Docket No. 1397-21, substantially concurred with the advisory opinion provided by Headquarters Marine Corps Personnel Law Branch (JPL) and denied your request based on an unsupported claim and insufficient evidence to overcome the objective evidence of your actions. You maintain that that the signature on the 6105 is not yours and the handwriting expert report you submitted posited that your signature is

forged. You assert that the 6105 is hindering your ability to promote and the counseling was added after the fact of the incident and without your knowledge.

The Board, however, determined that your contentions are without merit. In this regard, the Board acknowledged the handwriting expert's opinion, however, determined that, despite this analysis, there still exist a degree of uncertainty as the analysis does not necessarily provide a straightforward unambiguous result. As such, the Board concluded that your petition still amounts to an unsupported claim and, given the presumption of regularity, you did not provide sufficient evidence to rebut your contention that your command falsified your signature on the 6105 counseling entry and contents of the corresponding rebuttal.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

6/10/2022

[Redacted signature block]