



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

█  
Docket No: 378-22  
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 19 April 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 your 6 November 2020 Administrative Remarks (page 11) 6105 entry and rebuttal statement. The Board considered your contention that your page 11 entry was issued before an investigation. You also contend that you were cleared of the allegations. You provide that you plan to continue your career in the Marine Corps and you are looking forward to being promoted in the near future.

The Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) you were issued a page 11 entry counseling you for judgment and maturity related to allegations of assault against a junior Marine. The entry noted an ensuing investigation and notified you that you were relieved of your duties. The Board also noted that you acknowledged the page 11 entry, and elected to submit a statement. In your statement, you acknowledged touching a Marine with your finger while talking to him, you acknowledged that you should never touch a Marine, you apologized to the Marine, and identified the incident as isolated and a lapse of judgment. The Board determined that your contested page 11 entry was issued and written according to the MARCORSEPMAN. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective

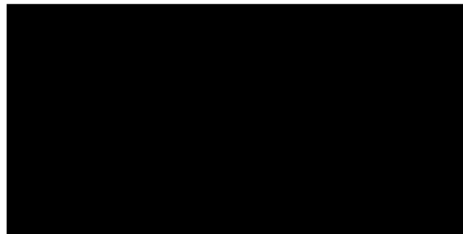
action, where to seek assistance, the consequences for failing to take corrective action, and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the entry and determined that that your misconduct was a matter that formed an essential and permanent part of your military record, as it was his/her right to do.

The Board found no evidence that your page 11 entry was issued before the completion of an investigation or that you were cleared of the allegations and you provided none. The Board noted your fitness report for the reporting period 2 July 2020 to 6 November 2020 and your reporting senior's statement that "The findings of that PI confirmed the allegations. . ." The Board also noted your admission to touching the Marine with your finger while talking to him. Based on the foregoing, the Board determined that your evidence was insufficient to warrant removal of your page 11 entry. 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,

5/6/2022

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