



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

█  
Docket No: 1671-22  
Ref: Signature Date

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Dear █:

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 30 June 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 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.

On 28 January 2021 you received two Administrative Remarks Page 11 (6105) counseling entries. The first for stating you did not change spousal benefits, however, upon further investigation, it was shown you did make changes to those benefits, violating Article 107 (False Official statements, false swearing) of the Uniform Code of Military Justice (UCMJ). Second, for engaging in an inappropriate relationship with another Marine who was not your spouse, in violation of Article 134 (Adultery) of the UCMJ.

The Board carefully considered your request to remove both 6105 entries. You argue that the entries are erroneous as there is no proof of you violating Article 107 that the 6105 entry for adultery was for actions that did not occur in the reporting period, and that you were separated from your spouse during the time you were accused of committing adultery.

[REDACTED]

The Board noted that the command investigation's factual findings contained sufficient evidence for your command to conclude that you committed adultery and made a false statement regarding spousal benefits. In addition, the Board found that there is no restriction that a Page 11 (6105) be given for only actions that occurred during a current fitness report period. The Board also noted that you were not divorced until December 2021, thus, your divorce does not prove that you did not commit adultery or make false official statements. Moreover, the Board also took into account the fact you were assigned to [REDACTED] [REDACTED] Marine Aircraft Wing in the billet of [REDACTED] from December 2019 until December 2021, and the inappropriate relationship occurred during that time. Consequently, your Commanding Officer (CO) had the authority to document the misconduct.

Finally, the Board noted that the contested entries were written and issued in accordance with Marine Corps Order [REDACTED] Marine Corps Individual Records Administration Manual (IRAM). Specifically, the entries provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, and consequences for failure to take corrective action. In addition, the entries afforded you the opportunity to submit a rebuttal, and your CO signed the entry. Moreover, the entries created a permanent record of matters your CO deemed significant enough to document. Finally, the Board noted that you signed both entries and although you elected to submit a rebuttal, there is no rebuttal statement in your official military personnel file and you did not submit the rebuttal with your petition. The Board thus concluded that there is no probable material error or injustice warranting further action. Therefore, 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,

7/15/2022

[REDACTED]

Deputy Director

[REDACTED]