



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. 1848-22
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 applications on 23 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.


You requested to remove a Page 11 6105 counseling dated 24 March 2021 from your record. The Board noted that you received the counseling due to an unduly familiar relationship with a junior Marine that was prejudicial to good order and discipline. According to the counseling, this finding was based on the results of a command investigation. The Board considered your contentions that the Master Brief Sheet does not reflect the administrative action, that your personal relationship was unsubstantiated during the Command Investigation, that the Marine didn't belong to the same command or geographical area, and that your relationship was strictly professional.

The Board 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 MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted that the entry provided written notification concerning your deficiencies, specific recommendations for corrective action indicating any assistance available, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action, and a reasonable opportunity to undertake the recommended corrective action. You were also afforded the opportunity to rebut the counseling, which you exercised. Moreover, your CO signed the entry and determined that

your misconduct was a matter forming an essential and permanent part of your military record, as it was his/her right to do. The Board also considered your arguments but determined it was insufficient to overcome the presumption of regularity that governs the official actions of government officials. In making this finding, the Board noted that you did not include a copy of the command investigation that allegedly exonerated the conduct for which you were counseled and that the counseling specifically relies on the findings of the investigation contrary to your assertion. 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,

	6/4/2022
	
Executive Director	
Signed by: 