



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

■  
Docket No: 2159-22  
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 7 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 carefully considered your request to remove your 27 December 2019 Administrative Remarks (page 11) 6105 entry and 30 December 2019 rebuttal statement. The Board considered your contention that your page 11 was issued after being arrested and suspected of driving while impaired (DWI). You claim that the DWI charge was dismissed on 19 May 2021 and you paid a fine for careless and reckless driving. You also claim that you would like the page 11 entry removed to re-enlist. As evidence, you furnished civil court documents noting your plea of guilt for careless and reckless.

The Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) you were issued the 27 December 2019 page 11 entry counseling you for being arrested for DWI on 9 November 2019. The Board also noted that you acknowledged the entry and elected to submit a statement. In your statement, you did not accept responsibility for the DWI and provided an explanation of events leading to your arrest. The Board determined that your 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 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 the evidence you furnished, however, the Board determined that your CO had sufficient evidence to determine that your page 11 entry was warranted and the administrative action by your CO is not bound by the outcome of civil court proceedings. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. 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, \_\_\_\_\_  
6/23/2022

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Executive Director

Signed by: █