



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

█
Docket No: 2776-22

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 14 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 31 August 2020 Administrative Remarks (page 11) 6105 entry and 4 September 2020 rebuttal statement. The Board considered your contention that the Marine Corps Performance Evaluation Review Board (PERB) removed the fitness report associated with your page 11 entry. You also contend that the page 11 entry is inaccurate, unjust, the initial version of the page 11 entry contained unsubstantiated claims, and you asked multiple times for guidance and counseling. You argue that if the allegations were true, you would have devoted your effort and energy to correcting those deficiencies.

The Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) you were issued a page 11 entry notifying you of your relief for cause as the Team Element Leader due to loss of trust and confidence. The Board also noted that you acknowledged the entry and elected to submit a statement. In your statement, you noted discrepancies with the original page 11 entry and that the final version was vague. You also noted details about the accountability of serialized gear during the movement from █ to █. The Board noted, too, that you Requested Mast to the commanding officer (CO) and your CO directed the senior enlisted leadership to assist your commander in

rewriting the page 11 entry. 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 CO signed the entry and determined that your deficiencies and relief for cause were matters forming an essential and permanent part of your military record, as it was his/her right to do.

Concerning the PERB's removal of your adverse fitness report for the reporting period 1 July 2020 to 7 August 2020. The Board opined that since the page 11 entry was rewritten, it was most likely included as the basis for your fitness report's adversity. However, because the contested page 11 entry was dated after the end of the reporting period, any mention of the page 11 would constitute a fitness report error. Therefore, the Board determined that the removal of your fitness report does not invalidate the page 11 entry since the basis for the fitness report removal is unrelated to the basis for issuing the page 11. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the page 11 entry. Accordingly, the Board found insufficient evidence of error or injustice to merit relief.

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,

6/29/2022

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Executive Director

Signed by: █