



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: 3088-22

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 12 July 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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.

The Board carefully considered your request to remove your 17 December 2019 Administrative Remarks (page 11) 6105 counseling entry. The Board considered your contentions that the 6105 entry derived from an investigation that was unsubstantiated and for violating Navy Regulation 1165 by having an unduly familiar relationship that did not coincide with the original investigation. You also contend that according to Navy Regulation 1165, an unduly familiar relationship is between enlisted and officer. You were a Staff Sergeant (SSgt/E-6) and the other Marine was a Sergeant (Sgt/E-5) at the time and she was in zone for promotion to SSgt. You claim that you were in the same company but worked in different platoons, she was never in your direct chain of command, and she held a higher billet while serving as drill instructors. You also claim that a legal counselor reviewed your 6105 entry and could not understand how you were issued a 6105 entry for an unduly familiar relationship when no officers were involved.

[REDACTED]

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for violating Navy Regulation 1165, for having an unduly familiar relationship with a non-commissioned officer within your unit that was prejudicial to good order and discipline. The Board also noted that you acknowledged the entry, elected to submit a statement, however, a rebuttal statement was not submitted. The Board determined that your contested 6105 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, consequences for failure 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 noted that your CO directed a Preliminary Inquiry (PI) into the circumstances surrounding allegations of an inappropriate relationship. The Board also noted that your CO reviewed and concurred with the Investigating Officer's summary and recommendations, and determined that there was insufficient evidence to substantiate allegations of adultery, however, your CO noted that the PI did reveal that an unduly familiar relationship existed that was prejudicial to good order and discipline. The Board noted, too, that Navy Regulation 1165 provides that, "When prejudicial to good order and discipline or of a nature to bring discredit on the naval service, personal relationships between officer members *or between enlisted members* that are unduly familiar and that do not respect differences in grade or rank are prohibited." Contrary to your interpretation of Navy Regulation 1165, the Board determined that unduly familiar relationships are not limited interactions between officers and enlisted. The Board also determined that your CO's determination that you violated Navy Regulation 1165 was valid. 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,

7/20/2022

[REDACTED]

Deputy Director

[REDACTED]