



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

█  
Docket No. 3672-22  
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 14 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.

The Board carefully considered your request to remove an Administrative Remarks (Page 11) entry dated 26 May 2016 from your official military personnel file. You contend the Page 11 is unjust because you were falsely accused. You further contend the entry was issued after the previously issued negative counseling was dismissed which “shows retaliation,” and not justice, because the only “hard evidence” available was that he “thought he heard [you] say it under [your] breath.” The Board also considered your contention the counseling occurred over six years ago and you haven’t had any “adversity” since then but have been “doing [your] best so [you] can advance in [your] career” but the Page 11 entry speaks negatively and will interfere with your career progression. You also contend you have volunteered for the Marine Security Guard Program, are currently working on your bachelor’s degree so you can apply for the Enlisted to Commissioning Program, and will be in-zone for promotion to Gunnery Sergeant in a couple of years.

The Board determined the contested counseling entry of 26 May 2016 creates a permanent record of matters the issuing CO deemed an essential part of your military history. The Board noted the counseling entry, which met the requirements detailed in MCO P1070.12K W/CH 1

(IRAM), is a valid counseling entry. Specifically, the Board noted the entry provided the opportunity to rebut the entry and was appropriately issued by the CO as evidenced by his signature on the entry. The Board reviewed the documents submitted in support of your contentions but concluded there is insufficient evidence of material error or injustice warranting the removal of the 26 May 2016 counseling entry or the associated rebuttal statement. Accordingly, given the totality of the circumstances, the Board determined that your request does not 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,

8/2/2022

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Deputy Director

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