



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. 4252-22
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 21 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 a 23 October 2013 Administrative Remarks 6105 counseling entry from your official military personnel file. You contend the 6105 counseling is in error and unjust because you were advised by an “experienced professional and a senior military officer” stating the entry was (1) invalid, (2) an injustice forced upon your life and career, and (3) based on allegations that were entirely false with no supporting evidence. You also stated that you “firmly believe” that negative administrative remarks should not be issued to Marines that have been “alleged” or have “claims” against them that cannot be proven or that were falsely alleged by a former spouse. Lastly, you contend that you did not receive any other adverse punishment for the allegations.

The Board determined the contested counseling entry of 23 October 2013 creates a permanent record of matters the issuing Commanding Officer (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, which you exercised, and was appropriately issued by the CO as evidenced by his signature on the entry. The Board further noted you did

not submit supporting evidence for the Board's consideration and concluded there is insufficient evidence of material error or injustice warranting the removal of the counseling entry.

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,

8/16/2022

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Deputy Director

Signed by: 