



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: 4471-22

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 26 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 your 1 July 2021 Administrative Remarks (page 11) 6105 counseling entry. The Board considered your contentions that you were counseled for being four pounds over the maximum Marine Corps weight standards. You claim that you were within weight standards when your fitness report was processed and, since you were within standards at the end of reporting period, the page 11 entry is not valid.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a page 11 entry counseling you for failing to maintain body composition standards. During the semi-annual weigh-in, you weighed in over the maximum weight and the allotted body fat percentage. The Board also noted that you acknowledged the entry and elected not to submit a statement. 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, 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 weight control failure was a matter forming an essential and permanent part of your military record, as it was his/her right to do.

The Board noted, too, that according to the Marine Corps Body Composition and Military Appearance Program Manual, compliance with body composition and appearance standards is continuous and not tied to a fitness reporting period. Further, the Board took into consideration that you admit to being out of weight standards at the time of the original weigh-in and later returning to compliance on 2 July 2021. Therefore, the Board determined the page 11 accurately documents your failure to maintain body composition standards. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice with the 6105 counseling entry. 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,

7/29/2022

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Deputy Director

Signed by: █