



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. 5247-22
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 applications on 23 August 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 applications, 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 3 March 2020 Administrative Remarks (page 11) 6105 entry and 9 March 2020 rebuttal statement. The Board considered your contentions that the page 11 entry was not handled properly by your command, and you did not receive an adverse fitness report. You accepted responsibility for your actions as described and claim that a Commanding General's (CG's) endorsement is now required for you to reenlist. You surmise that your RS did not mark your fitness report adverse because the incident was not reflective of your overall performance. As evidence, you furnished documentation of your performance and successful completion of your assignment as a Drill Instructor.

The Board, however, determined that your page 11 entry is valid. In this regard, 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 violating the Marine Corps Prohibited Activities and Conduct (PAC) Order by displaying harassing behavior, in which you posted a picture on a group chat of a female civilian employee that included a demeaning statement. The Board also noted that you acknowledged the entry and elected to submit a statement. The Board also determined that the contested page 11 entry was written and issued according to the MARCORSEPSMAN. Specifically, the entry provided written

notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, the 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 essential to record, as it was his/her right to do.

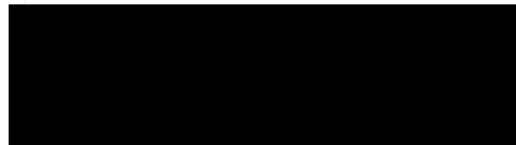
Concerning your RS's decision not to mark your fitness report adverse, the Board noted that the Marine Corps Performance Evaluation System (PES) Manual does not require that a fitness report be marked adverse when a Marine is issued a page 11 entry. In fact, the PES Manual directs RS's not to "report minor flaws or mistakes unless they are significant enough to affect the MRO's initiative and leadership potential, or hinder mission accomplishment." The Board determined that your RS's decision not to render your fitness report adverse does not invalidate your page 11 entry documenting misconduct that was substantiated during a command investigation. 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, given the totality of the circumstances, the Board determined that your request does not merit relief.

You also indicate in your application that you were the victim of sexual assault/harassment. The Board determined there was insufficient evidence to conclude you were the victim of sexual assault or harassment.

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,

9/20/2022

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Signed by

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