



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. 5685-22
Ref: Signature Date



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 11 December 2020 and 14 June 2021 Administrative Remarks (page 11) entries. You also request to remove your 28 July 2021 6105 page 11 entry. The Board considered your contentions that you successfully completed nearly two years of service without any further incidents, you are fully rehabilitated, you regained the trust of your fellow Marines, accepted responsibility for your actions, and you apologized to the other Marine that was involved. You argue that the intent and purpose of the page 11 entries have been served. You further claim that the 28 July 2021 page 11 entry was issued as the result of an act of disrespect by one of your subordinates and your conducted corrective training under the supervision of other noncommissioned officers. Following the corrective training, the subordinate alleged that you made disrespectful comments or otherwise used derogatory and offensive language towards said subordinate. For consideration, you referenced the 25 July 2018, Under Secretary of Defense for Personnel and Readiness, Robert L. Wilkie guidance to Military Discharge Review Boards (DRBs) and Boards for Correction of Military/Naval Records (BCM/NRs) regarding "Equity, Injustice, or Clemency Determinations" (Wilke Memo). For purposes of equity and clemency consideration, you furnished character statements, completion certificates, and commendatory correspondence.

The Board, however, determined that your page 11 entries are valid. In this regard, the Board noted that pursuant to the Marine Corps Enlisted Promotions Manual you were issued page 11 entries as notification that you were not recommended for promotion to the next higher grade. You acknowledged both entries and elected not to submit a statement. The Board also determined that the 11 December 2020 and 14 June 2021 page 11 entries were written, issued and filed in your record according to the Marine Corps Individual Records Administration Manual (IRAM).

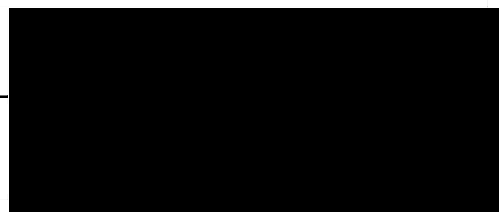
The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPSMAN), you were issued a page 11 entry for violating the Marine Corps Prohibited Activities and Conduct Order by hazing and verbally berating another member of your command. The Board also noted that you acknowledged the entry and elected to submit a statement, however, no statement is on file in your record. The Board determined that you were properly counseled and the contested 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.

Regarding your request for relief pursuant to the Wilkie Memo, the Board determined your reliance upon the Wilkie Memo is misguided. The Wilkie Memo was intended to ensure veterans are aware of their opportunities to request review of their discharges and other military records, and to provide substantive clarifying guidance on Board consideration of mental health conditions and sexual assault or sexual harassment experiences. The Board will consider applications for relief and consideration when there is an error or injustice. In your case, the Board found no evidence of an error or injustice. The Board acknowledged your statement and evidence of improved conduct; however, the Board determined that your page 11 entries are a matter of record and your recent conduct record does not constitute a sufficient basis to remove your page 11 entries. 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,

9/20/2022

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