



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. 6114-22
Ref: Signature Date

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Dear █

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 6 September 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 25 May 2022 Administrative Remarks (Page 11) counseling entry for violation of Article 92 of the Uniform Code of Military Justice, specifically misuse of your assigned government owned motor vehicle (GMV). The Board considered your contentions that you received permission from your Commanding Officer (CO) to drive your GMV, you never received a Government Vehicle Statement of Understanding (SOU), were not briefed on the do's and don'ts, and that you didn't receive the required Recruiting Duty Ethics Training until nearly two years after checking in to the Recruiting Station.

However, the Board noted that it is the CO's discretion whether or not to issue a counseling to address minor misconduct. Additionally, a counseling is given a presumption of regularity which requires the Petitioner to provide substantial evidence that the commander's decision was unjust or was materially in error. The Board noted you provided a copy of the Command Investigation in support of your contentions. However, the Board noted that it was the opinion of the Investigating Officer (IO) that you abused the domicile to duty authorization and he recommended you be issued a 6105 (Page 11) counseling entry and that the issuing officer (CO) chose to do so. Further, the Board was not persuaded by your arguments that you, as an E-9,

lacked the proper ethics training to understand the proper usage of a government vehicle. The Board thus concluded that the Page 11 entry does not constitute probable material error or injustice. 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,

10/8/2022

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.