



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 6147-22  
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 20 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 application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your 28 October 2021 Administrative Remarks 6105 (page 11) entry. The Board considered your contentions that you were falsely accused of conducting the combat fitness test (CFT) without the proper equipment or witnesses. You also contend that you did not violate the Marine Corps Physical Fitness Test (PFT) and CFT Manual. You claim that you conducted the CFT for a peer to allow him to supervise the battalion CFT. You also claim that because the command questioned the CFT, you did not record the score and the Marine completed another CFT with similar scores. You argue that the page 11 entry has affected your promotion, removal of the entry will make you competitive with your peers, and will allow you to continue to serve in the Marine Corps.

The Board noted that pursuant to the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a page 11 entry counseling you for failing to properly

administer a CFT. The Board also noted that you acknowledged the entry and elected not to submit a statement. The Board determined that the contested entry was written and issued according to the MARCORSEPMAN. 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 he/she determined that your substandard performance/misconduct was a matter essential to record, as it was his/her right to do.

The Board noted that the Command Investigation (CI) substantiated the allegations that you administered a CFT that was not conducted according to the Marine Corps PFT and CFT Manual. The CO reviewed the CI and concurred with the investigating officer's findings. Therefore, the Board insufficient evidence exists to find that the accusations against you were false. The Board determined that your CO relied upon a preponderance of evidence, that included the CI, and acted within his or her discretionary authority when determining that your page 11 entry was warranted. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the page 11 entry from your record. 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,

10/20/2022

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Executive Director

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