



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

█
Docket No. 6342-22
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 27 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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 19 April 2022 Administrative Remarks 6105 (Page 11) counseling entry and associated rebuttal. The Board considered your contentions that all charges were dropped by the █ County Court System and that the Page 11 was not written in accordance with paragraph 1004.F of the Marine Corps Separations Manual. The Board also noted your contention that there was a duplicate in your record.

The Board noted that you received the Page 11 for domestic assault based your arrest and Family Advocacy Program finding that you met the criteria for domestic abuse. The Board determined that the issuing officer was well within his discretionary authority to issue the counseling entry, and that the entry met the 6105 counseling requirements detailed in MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted that the entry provided written notification concerning your deficiencies, specific recommendations for corrective action indicating any

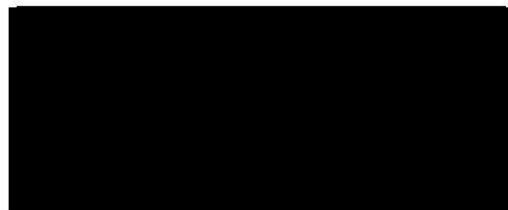
assistance available, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action, and a reasonable opportunity to undertake the recommended corrective action. You were also afforded the opportunity to rebut the counseling, in which you acknowledged your actions. While the Board considered the [REDACTED] County District Court's dismissal of the assault case against you, the Board noted that dismissal occurred based on the unavailability of your spouse as a participating witness. As a result, the Board noted that the dismissal was not a determination of your guilt or innocence but a prosecutorial decision not to pursue criminal proceedings based on the unavailability of a witness. As a result, the Board determined insufficient evidence of error or injustice exists with the Page 11 entry in question to warrant its removal from your record.

Concerning your request to remove your duplicate Page 11, the Board determined that you have not exhausted your administrative remedies. The Manpower Management Records and Performance (MMRP) is the initial action agency for administrative changes to your record; therefore, you must submit your request to the MMRP in accordance with their policy. 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,

10/18/2022

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