



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

██████████
Docket No. 7047-22
Ref: Signature Date

████████████████████
██████████████████
██████████████

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 application on 15 November 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, as well as the 2 September 2022 decision by the Marine Corps Performance Evaluation Review Board (PERB), and the 25 July 2022 Advisory Opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch (MMRP-30). The PERB decision and the AO were provided to you on 2 September 2022, and although you were given 30 days in which to submit a response, you chose not to do so.

The Board carefully considered your request to remove your Administrative Remarks (Page 11) 6105 counseling entry dated 10 September 2019 and modify your Fitness Report (Fitrep) for the reporting period 19 April 2019 to 30 September 2019 by changing it from adverse to not adverse or, in the alternative, be removed. The Board considered your contentions that you requested clarification from Manpower Management Enlisted Assignments (MMEA-1) regarding your tattoo placement, however, you received no response prior to your command taking legal action. You assert your full arm sleeve was previously grandfathered and when you obtained a new tattoo in the same area during sleeves up, you had no intent to deceive or hide it due to your understanding that the area was grandfathered. You further assert that with the current tattoo policy and the fact that your full arm sleeve was grandfathered, your tattoos are in compliance, and the Fitrep greatly hinders your falsely perceived competency as an administrative chief for forward progression.

With regards to your request to remove your contested 6105 counseling entry, the Board noted that a previous panel of this Board (BCNR Docket No. 2582-22) recommended denial of your request. The Board determined that after a thorough review of your application, there is no new evidence to consider. The Board thus concluded that your request constitutes a resubmission of previously considered contentions and evidence, and therefore, there is no probable material error, substantive inaccuracy, or injustice warranting removal of the 6105 counseling entry from your official military personnel file (OMPF).

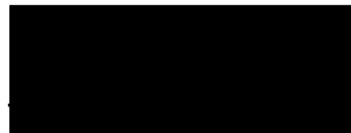
The Board also substantially concurred with the AO and the PERB decision that, in accordance with the Performance Evaluation System (PES) Manual, the Fitrep is procedurally correct as written and filed. Specifically, you were issued derogatory material—a valid 6105 counseling entry—during the reporting period. The Board thus concluded that your request is lacking sufficient evidence of probable material error, substantive inaccuracy, or injustice warranting modification or removal of the Fitrep from your OMPF.

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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

12/15/2022

A large black rectangular redaction box covering the signature area.

Deputy Director

Signed by: 