



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

█
Docket No. 7116-22
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 25 October 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 Administrative Remarks (Page 11) entries dated 13 June 2016 and 28 March 2017. The Board considered your contention that the counseling entry you received on 13 June 2016 implies that the tattoo was not in compliance with the current tattoo policy at the time of signing. You argue that your tattoo was grandfathered in due to enlisting in the U.S. Marine Corps before the tattoo policy was in effect, you are now in compliance with the current tattoo policy, and the entry is an unneeded distraction in your official military personnel file (OMPF) before being considered for promotion. The Board further considered your contention that the social media guidance counseling entry issued on 28 March 2017 is a duplicate copy and is therefore irrelevant.

By signing the 13 June 2016 page 11 entry, your Commanding Officer (CO) indicated that he believed it to be appropriate based on policy at the time of issuance. Although you claim that your tattoo was grandfathered in at the time of issuance, the Board noted that you certified the information in the Page 11 as correct and signed the entry, documenting your tattoo not to be in compliance. The Board further noted that in the Page 11 entry, your tattoo was individually

documented according to specific location. The Board, therefore, was not convinced that you believed your tattoo was grandfathered in and in compliance with the tattoo policy at the time when you signed the Page 11. The Board thus determined that the issuing officer was well within his discretionary authority to issue the Page 11 entry at the time, and that the entry met the counseling requirements according to MCBul 1020 dated 2 June 2016 and paragraph 1004.1C of MCO 1020.34G, which were in effect at the time of issuance. The Board determined you provided insufficient evidence that your tattoo complied with regulations at that time of issuance, despite having the tattoo before you joined the U.S. Marine Corps. Furthermore, although your tattoo is in compliance with the most current tattoo policy, neither MCBul 1020 dated 29 October 2021 nor the current Marine Corps Uniform Regulations, MCO 1020.3G, mentions removal of previous Page 11 entries documenting tattoos not in compliance.

With regards to your 28 March 2017 Page 11 entry, the Board determined that this is an administrative error and will have no bearing on future promotion opportunities despite it being a duplicate. The Board recommended that you exhaust all administrative remedies and seek removal through your command and Headquarters, U.S. Marine Corps.

The Board thus determined both Page 11 entries are valid, are a matter of record, and were written, issued and filed in your record according to the Marine Corps Individual Records Administration Manual (IRAM). The Board therefore concluded that the Page 11 entries do not constitute probable material error, substantive inaccuracy or injustice warranting removal from your official military personnel file. 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,

11/18/2022

