



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

█  
Docket No. 7131-22  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 11 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 application, 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 6105 (page 11) entry, rebuttal statement, and fitness report for the reporting period 1 July 2021 to 12 October 2021. The Board considered your contentions you were on authorized leave for 13 days and as such "out-of-bounds" does not apply. You were well within your right to travel 330 miles. You also contend that the Marine Corps Leave and Liberty Manual states that out of bounds only applies when leaving "the general vicinity" or during special liberty periods where liberty boundaries have been established with a normal maximum boundary of 400 miles and such requests are only authorized if the Marine submits an out of bounds request. In your case, you claim that this does not apply because you were in an approved/authorized leave status. You argue that the core foundation of the adverse fitness report is for being out-of-bounds, as such this report is unfounded, erroneous, and illegal, and the same applies to the page 11 entry received for the same reasons.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a page 11 entry counseling you for exercising poor judgment and failing to set a positive example. Specifically, on multiple occasions you

failed to communicate with the squadron when directed to do so; you did not arrive at your appointed place of duty at the specified time; you were found to be out of bounds of the requested leave location without proper authority; and you turned off your cell phone knowingly when the squadron leadership were attempting to contact you. You were also counseled that you were relieved as the Aviation Maintenance Data Chief for the squadron. The Board also noted that you acknowledged the entry and in your statement, you explained your issues with child care and admitted that you did not communicate effectively or in a timely manner with your chain of command. 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 was a matter essential to record, as it was his/her right to do.

The Board noted that your page 11 entry was issued to document numerous deficiencies and those deficiencies were not solely based upon you being “out of bounds” of your requested leave location. The Board opined that regardless of the term, your CO’s intend was to document your failure to advise your chain of command that you would not be in the local area as indicated and approved in your leave request. Based upon the totality of the evidence, the Board determined that your CO had sufficient grounds to conclude that your page 11 entry was warranted.

Concerning your request to remove your fitness report for the reporting period 1 July 2021 to 12 October 2021, the Board determined that you have not exhausted your administrative remedies. The Performance Evaluation Review Board (PERB) is the initial action agency for fitness report appeals, therefore, you must submit your request to the PERB according to the Marine Corps Performance Evaluation Appeals Manual. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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

