



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

█  
Docket No: 7646-22  
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 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.

The Board carefully considered your request to remove the undated Administrative Remarks 6105 (page 11) entry and your 9 July 2021 rebuttal statement. The Board considered your contention that the page 11 entry was issued as punishment prior to your official court date. You assert that your case was dismissed, on 10 June 2021, when the civilian court determined not to file criminal charges against you. As evidence, you furnished civil court documents.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 page 11 entry counseling you for drunk and disorderly conduct and for being arrested on 10 April 2021. The Board also noted that you acknowledged each entry and in your rebuttal statement claimed that you were innocent because no charges were filed, acknowledged attending the Prime for Life course, and accepted full responsibility for your actions. The Board determined that the contested entry was written and issued according to the MARCORSEPMAN and Marine Corps Individual Records Administration Manual (IRAM). Specifically, the IRAM provides that Commanders will direct a page 11 entry to be made after counseling a Marine for any alcohol-related misconduct. The entry also provided written notification concerning your deficiencies, specific recommendations

for corrective action, where to seek assistance, the consequences for failure to take corrective action, and the entries afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed each entry, and he/she determined that your substandard performance/misconduct was a matter essential to record, as it was his/her right to do.

Concerning your contention that the entry was issued prior to the official court date, the Board found no evidence that the entry was issued before the civil court date. Regardless, your CO was within his discretionary authority to determine that your arrest for drunk and disorderly conduct constituted an alcohol related incident and that warranted the issuance of a page 11 entry. The Board also determined that a page 11 entry is administrative in nature and does not constitute a form of punishment. Moreover, the civilian court's finding has no bearing on your CO's authority to issue a page 11 entry. 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,

11/30/2022

