



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

[REDACTED]
Docket No. 9002-22
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

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 24 January 2023. 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 undated Administrative Remarks (Page 11) 6105 counseling entry and associated rebuttal. The Board considered your contention that you did not break any safety instructions given to you by medical doctors, that you did not put anyone's [health] at risk. You assert that, after getting groceries you were authorized to purchase, you were unethically secured to your room.

The Board noted that you received the Page 11 for violation of Article 92 of the Uniform Code Of Military Justice for failure to obey an order or regulation on three separate occasions by disobeying the command-directed COVID-19 Restriction of Movement (ROM) regulations.

In regards to your contention that you did not break any instructions given to you by medical doctors, and were unethically secured to your room, the Board noted that you violated a direct order given to you by your staff noncommissioned officer which was your duty to obey, and whether you violated the medical directed ROM was immaterial. Further, the Board substantially concurred with the Commanding Officer's (CO's) basis for issuing the Page 11 and determined that he 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). Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus concluded that the Page 11 entry does not constitute probable material error or injustice warranting removal from your record. 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,

2/26/2023

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Executive Director

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