



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

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Docket No. 9295-22
Ref: Signature Date

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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 10 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 application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your 15 October 2022, 6105 (page 11) counseling entry and associated rebuttal statement. The Board considered your contention that you are not responsible for validating education documents after applicants enlist into the delayed entry program. You claim that the role of the staff non-commissioned officer-in-charge (SNCOIC)/station commander) is to ensure applicants are up to date with all documents prior to going to recruit training. You also claim that during the investigation they discovered that the SNCOIC had a pattern of sending applicants to recruit training with false documentation. All documentation regarding your counseling entry were sent to the Military Entrance Processing Station by your SNCOIC.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for failure to obey an order or regulation. Specifically, a command investigation determined that you neglected your duties as a recruiter and SNCO by failing to validate the education documents of applicants. The Board also noted that you acknowledged the entry and explained in your statement that you saw an education document for your poolee, you felt confident in the document being processed by the Recruiting Sub Station SNCOIC, and reviewing documentation after the initial screening process is not your specific responsibility. 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 the entry afforded you the opportunity to submit a rebuttal. Moreover, your Commanding Officer (CO) signed the entry, and he/she determined that your misconduct was a matter essential to record, as it was his/her right to do.

The Board noted that your CO relied upon a command investigation when determining that your counseling entry was warranted and determined that your CO was in the best position to determine if you failed to properly execute your responsibilities. The Board, thus 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,

1/20/2023

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Deputy Director

Signed by: █