



**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. 231-23  
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 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 11 November 2022 Administrative Remarks (Page 11) counseling entry and your associated rebuttal. The Board considered your contentions that the Page 11 entry is erroneous in that at no point in the CMS-1A or in your initial counseling does it mention "two-person integrity" for sight counts, and Battery K does not have a written standard operating procedures. You assert that there was no violation of any policy that could form an essential and permanent part of your military record. You also argue that the counseling is unjust because it may directly affect your competitiveness for promotion and retention in the Marine Corps.

The Board determined that, by signing the Page 11, your commanding officer (CO) indicated that he believed it to be appropriate based on the facts and circumstances known to him, based on a preponderance of the evidence standard. The Board thus determined that the issuing officer was well within his discretionary authority to issue the counseling entry, and that the entry met the counseling requirements in accordance with the Marine Corps Individual Records Administration Manual (IRAM). Additionally, you were afforded the opportunity to rebut the counseling, and your rebuttal is filed with the counseling in your official military personnel file (OMPF).

The Board took into consideration your statement, the incomplete initial counseling, and excerpt from the CMS-1A you provided. However, the Board noted that a Page 11 is given a presumption of regularity which requires you to provide sufficient evidence that the CO's decision was unjust or was materially in error. The Board determined that you provided insufficient evidence to rebut this presumption of regularity. Moreover, your CO is best situated to determine the extent and basis for your substandard performance and issuing you the Page 11 was an appropriate course of action for the CO to hold you accountable for your actions. As such, the Board concluded that the Page 11 entry does not constitute probable material error, substantive inaccuracy or injustice warranting removal from your OMPF

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,

2/22/2023

