



counseling entry at the time, and that the entry met the counseling requirements in accordance with the Marine Corps Individual Records Administration Manual. Although you were afforded the opportunity to rebut the counseling, you chose not to do so.

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. In this regard, the Board took into consideration your contentions. However, the Board determined that the Page 11 was factual at the time of issuance and there is nothing that precluded your CO from issuing the counseling entry. Specifically, the Board determined that the CO was within his authority to issue you the Page 11 and it was an appropriate course of action to document your substandard performance and hold you accountable. Despite the CO suspending your RFC for a period of one year, and your subsequent successful tour as a DI, the Board determined the entry is valid as issued, is a permanent part of your record, and there are no provisions in applicable regulations that authorized the removal of entries after the expiration of suspension. As such, the Board concluded that the Page 11 entry does not constitute probable material error, substantive inaccuracy or injustice warranting removal from your official military personnel file. 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,

3/14/2023

